#57537260

ID88056119

HD
241
.N85
1987a

MINUTES

National Public Lands Advisory Council

June 15-19, 1987

Anchorage, Alaska

BLM Library
Bldg. 50
Denver Federal Center
P.O. Box 25047
Denver, Colorado 80225

Summary

The National Public Lands Advisory Council (see Attachment A for roster) held its first meeting of Calendar Year 1987 in Anchorage, Alaska, on June 19, and participated in a field tour highlighting public lands and related issues from June 15 to 18.

During this 5-day session (see Attachment B for agenda), the Council:

Heard presentations on the following subjects from Bureau of Land Management Alaska officials:

- Gas Transmission Development in Alaska (Speaker: Jules Tileston, Trans- Alaska Gasline System (TAGS) Manager
- Department of the Interior's Arctic National Wildlife Refuge (ANWR) Report (Speaker: Michael Menge, Mineral Assessment Branch Chief)
- Placer Mining Operations in Alaska (Speaker: Earl Boone, Minerals Program Development Branch Chief)
- The Automated Land Records System (Speaker: Bishop Buckle, Deputy State Director for Support Services)

Heard public statements from the following persons/organizations:
- Michael Bradshaw, Alaska Oil and Gas Association
- Jerry Wickstrom, of Anchorage, Alaska
- Richard Tindall, Resource Development Council for Alaska, Inc.
- Homer Burrell, Alaska Miner's Association
- John Coghill, Alaska State Senator (statement read by Legislative Aide, David Parish)
- Findlay Abbott, of Yukon Island, Alaska
- Chuck Becker, The Alaska Support Industry Alliance

Participated in a 4-day field tour that included the Alaska Fire Service's facilities in Fairbanks, the Trans-Alaska Pipeline System, ARCO and SOHIO facilities on the North Slope, overflights of the Arctic National Wildlife Refuge coastal plain, placer mining operations, and reindeer handling operations in Nome. (See Attachment C for details of the Council's field tour.)

Adopted resolutions concerning:

- Arctic National Wildlife Refuge (ANWR)
- Arctic National Wildlife Refuge "Core Calving" Area
- Trans-Alaska Gas System (TAGS)
- Alaska Land Conveyances
- Placer Mining Operations
- Surface Reclamation
- Coal Unsuitability Criteria
- Range Improvement (8100) Policy
- Range Monitoring Programs
- Third Scout Batallion, Alaska National Guard
- National Guard Support

And decided to hold the next Council meeting from October 15-17 in Denver, Colorado. The principal discussion topic for that meeting would be the Bureau's automation of its land and minerals records.

Friday Morning - June 19

Call to Order and Opening Remarks. Chairman B. Wells O'Brien called the Council meeting to order at 8:00 a.m. He welcomed Professor Alan C. Epps of Alaska as a new Council member and extended congratulations to Garrey Carruthers on his election as Governor of New Mexico. The minutes from the Council's November 12-14 meeting in Rolla, Missouri, were then unanimously approved by the members.

The next order of business was the election of officers for calendar year 1987. David Schaenen nominated Wells O'Brien for a second term as Council Chairman, and Rob Flournoy nominated Don Butler for a second term as Council Vice Chairman. Both were unanimously approved by the members.

Bureau of Land Management Director Robert Burford then extended special thanks to Alaska State Director Mike Penfold and his staff for the outstanding tour of public lands and related issues in Alaska that they had organized for the Council. He noted that it had helped tour participants comprehend the size and diversity of the State and the complex issues that the U.S. Congress would be dealing with during this legislative session. The Director welcomed the Council's advice to the Department of the Interior on such issues.

Vern Wiggins, Federal Co-Chairman of the Alaska Land Use Council, next addressed the members. He emphasized the vast size of Alaska and the complex land and resource management issues unique to the State. He particularly directed the Council's attention to proposals for the Arctic National Wildlife Refuge (ANWR) and the Trans-Alaska Gas System (TAGS).

Mike Penfold, BLM's Alaska State Director, lastly took the opportunity to thank Council members for taking the time to explore the wealth of public land resources managed by the Bureau in Alaska. He noted that BLM's programs touch most of the citizens in the State and often have national-level importance. Cited, in particular, was the TAGS proposal for transporting natural gas from the North Slope of Alaska and the options for opening portions of the Arctic National Wildlife Refuge to oil and gas development.

Gas Transmission System Development in Alaska. Jules Tileston, the TAGS Manager for BLM's Alaska State Office, discussed the history and current status of Yukon-Pacific Corporation's application to BLM and the Corps of Engineers for a gas transmission system between the North Slope and a tidal site south of Anchorage.

He provided the following chronology for the members:

- Yukon-Pacific filed its application in 1984, and at the same time requested BLM and the Corps to withhold action on it until the company had fully explored the issues and concerns that various State/Federal agencies and the public might have with the proposed system.

- Following this review period, Yukon-Pacific amended its application in December, 1986, to follow the existing Trans-Alaska Pipeline System. This route would not involve any national parks, wildlife refuges, wild and scenic rivers, or designated wilderness areas. In addition, the project would build on ten years of successful TAPS operations, which had already addressed the legal and technical policy issues of the routing.

- Scoping meetings were then held and a draft EIS (involving 14 Federal and 6 State agencies) is presently under preparation. It should be ready for public review by late September.

- If the application is approved, the company anticipates beginning construction in 1990 and having its first delivery in late 1995 or early 1996.

Mr. Tileston noted that the proposed gas pipeline would comprise 709 miles, buried in its entirety except at major river crossings. The estimated workforce would be 6300 jobs during construction and 500 jobs long-term. Projections are that the pipeline would transport 2.1 billion cubic feet of gas per day.

Department of the Interior's Arctic National Wildlife Refuge (ANWR) Report. Michael Menge, Chief of Mineral Assessment for BLM's Alaska State Office, and head of the geophysical team that assessed the subsurface mineral resources of the ANWR coastal plain area, addressed the Council on the team's findings.

He explained that Section 1002 of the Alaska National Interest Lands Conservation Act (ANILCA) called for both surface and subsurface studies of the ANWR area, with BLM and the U.S. Geological Service responsible for the subsurface minerals assessment. Section 1002 further recommended that the Federal government contract out to private industry for the exploration program. The firm that was ultimately selected, Geophysical Services, Inc. (GSI), involved 23 other companies in the data gathering and analysis effort.

From the data gathered by industry, the Federal government created a public 1002 document that provided a resource assessment of the ANWR area. Findings were that the area contained between 5 and 20 million barrels of oil in place and between 11 and 65 trillion cubic feet of gas. The BLM then worked on its own to develop Recoverable Resource estimates, generated by 1) geology, 2) the engineering needed to extract oil , and 3) economics.

From a geologic standpoint, Mr. Menge indicated that there were 26 prospects where oil could be concentrated. The conclusion was that ANWR compared favorably with "anything in the world," based on structural size. From an engineering standpoint (or what it would take to extract the resource), it was determined that if the oil were extracted and sent to market, it would bring in $33 per barrel by the year 2000.

The conclusions from the numerous ANWR studies were that:

- There is a 19 percent chance of finding a minimum economic field size in the 1002 area;
- There is an estimated mean of 3.2 billion barrels for likely recoverable reserves from the area; and
- The high end for estimated oil reserves could be 25 percent larger than Prudhoe Bay.

Placer Mining Operations in Alaska. Earl Boone, Branch Chief for Minerals Program Development in BLM's Alaska State Office, next discussed the various levels of placer mining operations in the State and the Sierra Club's lawsuit challenging the Bureau's management of the program.

In covering the levels of placer mining operations, he noted that the first category, "casual use," requires no permit or government notification; the second category, "notice operation," involves less than 5 acres of cumulative surface disturbance and requires a notice to BLM but no approval from the agency; and the third category, "plan of operations," involves more than 5 acres of surface disturbance and requires an Environmental Assessment or Environmental Impact Statement plus BLM approval before mining operations can be undertaken.

Mr. Boone than discussed the Sierra Club lawsuit, which was filed against BLM in February, 1986, and alleged that the Bureau was not properly managing the program. He noted that the majority of charges were dismissed in November, 1986, but that the Court ruled in May, 1987, that BLM must prepare a cumulative EIS on placer mining impacts in the Birch Creek watershed. The effect of this ruling would be to disallow mines disburbing more than 5 acres in the area from operating after October, 1987, until BLM completes appropriate EISs. He noted that the Bureau was preparing 4 EISs, one for each drainage area, and had scheduled them for a December, 1988, completion.

Mr. Boone also noted that approximately 100 individuals were affected by the court injunction, and that economic repercussions were being felt by those who support the placer mining industry. This industry in Alaska produced 160,000 ounces of gold in 1986, valued at 60.8 million dollars.

BLM State Director Mike Penfold also added that the Bureau was trying to address the 'morass' of Federal and State permits presently required for the placer mining industry and attempting to consolidate the process into a "one stop shopping" approach. Member Dave Schaenen applauded such an effort, noting that miners are now spending three quarters of their time doing paperwork and one quarter of their time doing operational work.

Meetings of Council Subcommittees. The Council meeting was recessed so that members could spend time in their subcommittees to develop resolutions for Council consideration later in the day. Chairman O'Brien announced that the Energy and Minerals Subcommittee would take the lead on ANWR resolutions, and that other subcommittees should provide their input to Energy and Minerals Chairman Larry Kelley. He also announced that Paula Easley's Lands Subcommittee would handle Alaska land conveyance issues.

Public Statement Period. The Council meeting was reconvened at 1:00 p.m., following the recess for subcommittee meetings and lunch. Seven people presented oral testimony to the Council, summaries of which are given below. (For copies of these statements, see Attachment D.)

Michael Bradshaw, representing the Alaska Oil and Gas Association, expressed strong support for opening the ANWR coastal plain to oil and gas exploration, development and production. He cited the current decline in domestic energy production and increasing dependence on foreign sources, as a continuing trend that would make the Country vulnerable to serious supply disruptions in the future, especially with the unstable Middle East. He stressed that a reliable domestic energy supply is a key factor in maintaining a viable foreign policy.

Mr. Bradshaw also discussed the excellent record established by the Alaska energy industry during its oil exploration and development activities, commenting that there had been no significant adverse impacts on wildlife or the environment.

Jerry Wickstrom, of Anchorage, recommended a measured, careful approach to exploration for oil and gas resources on the ANWR coastal plain. He particularly urged additional government studies of the core calving area in ANWR. Mr. Wickstrom also advocated an oil import tax as a means to stabilize the industry.

Richard Tindall, representing the Resource Development Council for Alaska, advocated the need for foward-looking Federal land use policies that would retain the maximum amount of Federal land in multiple-use classification. He noted that this was particularly important to the economic development of Alaska.

He also discussed the need for an adequate gas tranportation corridor that would provide market access for vast deposits of North Slope natural gas, and added that itwould also help domestic business and reduce America's trade deficit with Asia. In the same vein, he also advocated opening the ANWR coastal plain to oil and gas development as a means to promote economic development, reduce dependency on foreign oil, strengthen national security, restrain the national trade deficit, and create jobs nationwide.

Homer Burell spoke on behalf of the Alaska Miner's Association about the current concerns of miners in the State. These included: 1) The availability of land for prospecting; 2) Opening the NPRA for mining and location; 3) Improving access to claims; and 4) Obtaining relief from yearly reclamation requirements.

David Parish, representing John Coghill, Chairman of the Alaska Senate Resources Committee, read a statement by the Senator which addressed his concerns about the Sierra Club court rulings on placer mining operations. The Senator's recommendation was that BLM appeal the mine closure conditions of the ruling and try to insure that mines are not closed prematurely. The Senator's statement further expressed concern about the erosion of

self-motivating opportunities in Alaska and the Nation and the lack of incentives to use public lands for self improvement. He finally stressed that environmentally-responsible development can take place on public lands to the satisfaction of all user groups.

Findlay Abbott, a resident of Yukon Island on Kachemak Bay, addressed the Council about certain native claims dating back to 1972 that he believed were not valid. Following discussion, it was determined that the Bureau of Indian Affairs (BIA), rather than BLM, would be taking the lead role in the claims case.

Chuck Becker, Vice President of the Alaska Support Industry Alliance, discussed the need to open the ANWR area for oil and gas development to ensure the Country's energy independence and the State of Alaska's future economic health. He argued that the development should be allowed, and cited the favorable record in Prudhoe Bay and the Kenai Peninsula, where there had been no harm to the environment or wildlife.

Council Old and New Business. During this portion of the Council meeting, members addressed a number of administrative items and were updated by Bureau officials on issues they had considered at previous Council meetings. This included:

National Wildlife Federal Land Withdrawal Lawsuit. Director Burford stated that the preliminary injunction granted by the Court had restrained many BLM land actions throughout the entire Country, and that the lawsuit did not appear to be getting any closer to a solution. He also added that a few Congressional exemptions had been granted in November, and there had also been a number of court orders and reversals on the exemptions. In addition, Representative Vento, who now serves as Chairman of the House National Parks and Public Lands Subcommittee, had replaced Representative Seiberling as an Intervenor in the case.

The Director indicated that there may be attempts to make the lawsuit null and void through legislation, and added that Senator Wallop was considering an amendment to a proposed land exchange bill which would nullify the effects of the lawsuit.

The Director finally noted that BLM had written to the National Wildlife Federation, offering to meet with their representatives to narrow the scope of the lawsuit. To date, NWF had not responded to the letter. Given this consistent lack of communication, Director Burford said the Department now hoped for court action soon on the suit so that it could, if necessary, then move on to the Court of Appeals.

Department Responses to Council Resolutions Adopted at Rolla, Missouri Meeting. Dave Tidwell, Special Assistant to Director Burford, reviewed the Department's responses to the resolutions adopted by the Council during its November 12-14 meeting in Rolla, Missouri. (See Attachment E for complete text of Council resolutions and Department responses.

Mining Claim Task Force Reports. Ed Spang, BLM's Nevada State Director, next provided updates on two Bureau task force reports.

- Land Status Determination on Federal Mining Claims. Mr. Spang noted that the Council had passed a previous resolution which faulted the Bureau for expending too much time in adjudicating mining claim recordations. He said that the task force had developed two alternatives for action, depending on circumstances involved: 1) Full adjudication, or 2) State Director discretion on whether or not to adjudicate. He also noted that the task force had developed options for streamlining the process. The report is now before the Director and his staff to develop a policy based on the task force findings.

- Reclamation Bonding Pertaining to BLM Mining Claims. This report, which calls for no major redesign in the bonding process, but does call for a closer look at planning, has been sent to the House Appropriations Subcommittee on Interior and Related Agencies. The Subcommittee may add certain language to the Fiscal Year 1988 Department of the Interior Appropriations bill.

Discussion of Future Council Meetings. Council Vice Chairman Don Butler noted the following dates and locations for future Council meetings.

-- October 15-17 in Denver, Colorado, to focus on the Bureau's automated land and mineral records system;
-- Spring, 1988 in Washington, D.C. (tentatively set for April 21-23);
-- Summer, 1988 in Elko, Nevada (tentatively set for July 14-16); and
-- Fall, 1988 in Santa Fe, New Mexico (Tentatively set for October 13-15).

Meeting of Council Subcommittees. Chairman O'Brien recessed the Council meeting so that the three subcommittees could complete their discussions about proposed resolutions and prepare them for presentation to the full Council later in the day.

Audio-Visual Tape on the Trans-Alaska Pipeline. When the meeting was reconvened, Member Larry Kelley provided a video tape produced by Alyeska (builder of the pipeline system) that pointed to the care taken in the construction of the corridor. Included were steps taken to avoid damaging the permafrost along the route, the safety inspections that were done on the wells and pumpline, the care taken to avoid air and water pollution, and the intricate procedures for shutting down the pipeline in emergencies.

Reports from Subcommittees and Adoption of Council Resolutions. The members next discussed the resolutions developed by the Council's subcommittees and adopted eleven of the resolutions presented. The name of the sponsoring subcommittee and the principal speaker in behalf of each are noted. All resolutions were approved by unanimous voice vote. One resolution, addressing the utility corridor, was tabled until a future Council session.

Renewable Resources Subcommittee

RANGE IMPROVEMENT (8100) POLICY (Bob Wright)

WHEREAS: The Federal Land Policy and Management Act of 1976 (FLPMA) provides that Range Improvement (8100) funds be used for "on-the-ground" range rehabilitation, protection, and improvements; and

WHEREAS: The legislative history of FLPMA clearly indicates that these funds should not be used for administrative costs, planning overhead, salaries, rent, etc.; and

WHEREAS: Carry-over of Range Improvement (8100) funds has been larger than anticipated due to various reasons; and

WHEREAS: The Bureau of Land Management (BLM) is considering allocating these funds for additional use beyond the 1982 policy guidelines; and

WHEREAS: The BLM in 1987 directed that the first priority for Grazing Management (4322) project money would be to support the 8100 program. Additionally $300,000 of the funds set up by Congress for general administrative expense to support the 8100 program were distributed to those states with the largest carry-over to assist them in reducing the carry-over.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recommends that the Bureau of Land Management not initiate any changes in the use of Range Improvement (8100) funds until the effects of the actions taken this year have been evaluated.

RANGE MONITORING PROGRAMS (Bob Wright)

BE IT RESOLVED: That the National Public Lands Advisory Council reaffirms the range monitoring resolutions adopted at the Council's April 30, 1983 meeting in Grand Junction, Colorado, and the meetings of November 9, 1983 in Washington, D.C. and May 16, 1986 in Gillette, Wyoming; and,

BE IT FURTHER RESOLVED: That in the process of monitoring, the Bureau of Land Management (BLM) evaluate all multiple use objectives; and

BE IT FURTHER RESOLVED: That the BLM conduct monitoring in consultation, cooperation, and coordination with all interested parties.

Lands Subcommittee

TRANS-ALASKA GAS SYSTEM (TAGS) (David Delcour)

WHEREAS: The Yukon Pacific Corporation has filed amended applications with the Bureau of Land Management (BLM) and U.S. Army Corps of Engineers (USACE) to construct and operate the Trans-Alaska Gas System (TAGS) in the State of Alaska; and

WHEREAS: The proposed TAGS will comprise: (1) a 796.5-mile buried, chilled, 36-inch intrastate natural gas pipeline designed to transport 2.3 billion cubic feet of gas per day from the North Slope of Alaska to a tidewater site at Anderson Bay near Valdez, Alaska; (2) 10 compressor stations; (3) a liquified natural gas (LNG) plant for condensing it to a liquid state for storage and shipping; (4) a marine terminal to simultaneously berth and load two LNG tankers plus support vessels; and (5) LNG tankers for export to Asian markets; and

WHEREAS: The entire proposed TAGS route and related facilities closely parallel existing oil pipeline and related facilities of the Trans-Alaska Pipeline System from Prudhoe Bay to tidewater; and

WHEREAS: The BLM and USACE are acting as co-lead agencies in the preparation of an environmental impact statement (EIS) that will evaluate the environmental and social effects of the proposed TAGS project; and

WHEREAS: Public and agency input to the EIS scoping process in December 1986 raised no substantial adverse environmental, social or economic issues in Alaska with the proposed TAGS project; and

WHEREAS: The BLM/USACE EIS will evaluate the national environmental effects of the proposed TAGS project exporting Alaska North Slope natural gas through input from the Economic Regulatory Administration; and

WHEREAS: The proposed TAGS project has substantial opportunity to improve the National balance of trade with Asian countries; and

WHEREAS: The BLM has initiated a review of the conceptual engineering and proposed locations of the proposed TAGS project and has determined that there are no likely threats to the integrity of the existing Trans-Alaska Pipeline System or the Alaska National Gas Transporation System as authorized; and

WHEREAS: The BLM has initiated consultation with agencies of the State of Alaska, Office of the Federal Inspector, Economic Regulatory Administration, Fish and Wildlife Service and other concerned Federal agencies, Northwest Alaskan Pipeline Company, Alyeska Pipeline Service Company and Yukon Pacific Corporation to review the Federal grants for the Trans-Alaska Pipeline System and the Alaska National Gas Transporation System to determine which provisions of those existing grants apply to the proposed TAGS project; and

WHEREAS: The National Public Lands Advisory Council has viewed firsthand portions of the northern TAGS routing associated with the Utility Corridor Resource Management Plan.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council urges BLM to (1) continue expeditious processing of the EIS for the proposed TAGS project; (2) proceed with preparatory work necessary to complete the Federal grant of right-of-way; and (3) support an affirmative presidential finding that approves exports of Alaska North Slope natural gas as being in the national interest.

ALASKA LAND CONVEYANCES (Paula Easley)

WHEREAS: Under several acts of Congress, the United States Government has been directed to transfer Federal lands to the State of Alaska, Alaska natives and individuals, and it will take an estimated 40 to 45 years at current funding levels to complete these congressionally-directed transfers; and

WHEREAS: Congress has granted to the State of Alaska and the Alaska Native people, land entitlements of 104.5 and 44 million acres, respectively; and

WHEREAS: The Bureau of Land Management (BLM) is charged with transferring the above lands to the State of Alaska and Alaska Native people; and

WHEREAS: The remaining entitlements of approximately 20 million acres for the State of Alaska, 9 million acres in Native land selections, and 10,000 Native allotment parcels will receive significant effort to assure protection of National, State, and Native interests; and

WHEREAS: BLM has land conveyance personnel trained and doing the jobs currently; and

WHEREAS: Threatened budget reductions would mean loss of trained staff and reduction of efficiency.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council, considering these land conveyance delays to be unconscionable, recommends that budget allocations to BLM-Alaska for survey and land conveyance be continued at optimum levels to meet the National interest and commitment to the people of Alaska.

THIRD SCOUT BATALLION (Paula Easley)

WHEREAS: The vastness of Alaska presents a difficult challenge to military units charged with defending the Nation against invasion from the West; and

WHEREAS: Quick response in remote areas of Alaska's difficult and unique geography is essential to an effective defense; and

WHEREAS: The Alaska National Guard's Third Scout Battalion is uniquely qualified to fill such a mission; and

WHEREAS: The temporary use of lands in Alaska under administration of Department of the Interior agencies is necessary for effective training exercises.

THEREFORE, BE IT RESOLVED: That the Alaska National Guard be commended for its dedication to its mission as America's first line of defense in its westernmost outposts; and

BE IT FURTHER RESOLVED: That the National Public Lands Advisory Council urges the Secretary of the Interior to encourage the agencies of his Department to cooperate to the limit of their authorities with the Native Scouts, and other units of the Alaska National Guard and the military, by providing temporary access to operating areas. Allowing such access for training purposes will help to enhance the military's effectiveness.

ARCTIC NATIONAL WILDLIFE REFUGE "CORE CALVING" AREA (Paula Easley)

WHEREAS: The National Public Lands Advisory Council has been advised by experts on caribou behavior that various management practices are available to both enhance the management of the Porcupine caribou herd and mitigate the impact of oil and gas development in the Artic National Wildlife Refuge (ANWR) upon that herd; and

WHEREAS: U.S. Fish and Wildlife Service data shows that calving locations move among locations from year to year and cannot be substantiated with a high degree of confidence; and

WHEREAS: Management practices around the world with reindeer (also a subspecies of Rangifer terandus) intentionally call for moving calving areas as a sound range management practice.

THEREFORE, BE IT RESOLVED: That the National Public Land Advisory Council supports the Secretary of the Interior's position that any impact of oil and gas development in ANWR will be minimal on the Porcupine caribou herd.

Energy and Minerals Subcommittee

ARCTIC NATIONAL WILDLIFE REFUGE (ANWR) (Larry Kelley)

WHEREAS: The congressionally mandated "1002 Study" of the Arctic National Wildlife Refuge (ANWR), which culminates five years of biological baseline studies, surface geological studies, and two seasons of seismic exploration surveys, has been completed and duly submitted to Congress; and

WHEREAS: Energy production in the Prudhoe Bay region has demonstrated the compatibility of environmentally sensible energy development and the maintenance of desired caribou and other wildlife numbers; and

WHEREAS: Current economic assessments do not include the value of natural gas issues, which could be substantial; and

WHEREAS: It is in the highest interest of the Nation's energy security that immediate exploration of ANWR be permitted and that such security would be greatly advanced if predicted ANWR energy potentials were actually realized; and

WHEREAS: The National Public Lands Advisory Council has seen firsthand the pipeline corridor and oil field development at Prudhoe Bay and the compatibility of this development with the environment; and

WHEREAS: The study identified the area as the Nation's most promising onshore oil and gas exploration area, possibly surpassing the Prudhoe Bay and East Texas oil fields; and

WHEREAS: The oil industry is ready, willing, and able to make the investments in producing those resources, and completion could take 10-15 years; and

WHEREAS: Probable adverse effects on wildlife from oil production are minimal; and

WHEREAS: The 1002 area could contribute significantly to the National need for petroleum by providing substantial increases in U.S. production and reduction of imports by the year 2005; and

WHEREAS: The Council has viewed all the lands in question in the 1002 area.

THEREFORE, BE IT RESOLVED: That appropriate congressional leaders review, with the public and private scientific communities, and through on-site visits, the energy potential of ANWR and the environmental consequences of energy development in the northern region of Alaska; and

BE IT FURTHER RESOLVED: That the National Public Lands Advisory Council expresses its strongest possible support for the Secretary's recommendation that Congress enact legislation during its 100th session directing him to conduct an orderly oil and gas leasing program for the 1002 area at a pace and in such a fashion as he determines necessary to avoid unnecessary adverse effects on the environment.

PLACER MINING OPERATIONS (Larry Kelley)

WHEREAS: The Bureau of Land Management (BLM) is one of the major Federal land management agencies in Alaska; and

WHEREAS: The typical mining operation on Federal or State land requires at least four authorizations/acknowledgements, and often five or six; and

WHEREAS: These authorizations/acknowledgements include the State Department of Natural Resources (water permit, and possibly a land use permit to cross State lands), Department of Revenue (mining license), Department of Fish and Game (activities impacting anadromous streams, or passage of fish), Department of Environmental Conservation (ratification of the National Pollutant Discharge Elimination System (NPDES) permits), the Federal land management agencies (BLM, Fish and Wildlife Service, Forest Service, National Park Service), Environmental Protection Agency (NPDES) permits) and the Corps of Engineers (404 permits); and

WHEREAS: The land management objectives associated with the resource values on either State or Federal lands encompassed by mineral development often are similar if not identical; and

WHEREAS: It appears that considerable duplication of effort exists during the various reviews within both the Federal and State sector; and

WHEREAS: The resources available to all agencies to undetake such reviews are becoming more and more limited; and

WHEREAS: Most mining operations in Alaska are very small, individually-owned businesses; and

WHEREAS: Complex permitting processes are difficult to understand and expensive to undertake for small businesses; and

WHEREAS: Existing water quality requirements are greatly restricting the opportunity to develop mining operations and legislative action is needed which will ensure environmental protection without the current restrictions imposed on the mining industry.

THEREFORE, BE IT RESOLVED: That the BLM, working in concert with the State and other Federal agencies and affected publics, investigate the opportunities to reduce the number of existing authorizations/acknowledgements, formulate a list of interagency stipulations that could apply to the majority of placer operations, reduce the overall costs of compliance examinations, and reduce the private sector's permitting costs.

SURFACE RECLAMATION (Larry Kelley)

WHEREAS: Mineral exploration and development activities frequently span several years; and

WHEREAS: Current Bureau of Land Management (BLM) practice requires full reclamation of exploration sites annually in the case of small sites not required to submit plans of operations; and

WHEREAS: Current requirements often lead to reclaimed areas being redisturbed during subsequent years; and

WHEREAS: The current practice results in substantially increasing exploration and mining costs; and

WHEREAS: Sound mined land reclamation practices suggest minimal handling of materials saved for reclamation.

THEREFORE, BE IT RESOLVED: That the BLM reexamine its current regulations and policies and require reclamation of lands only at the conclusion of all surface disturbance.

COAL UNSUITABILITY CRITERIA (Calvin Black)

WHEREAS: The Bureau of Land Management (BLM) is a Federal land management agency possessing a multiple use orientation; and

WHEREAS: Such multiple use on BLM lands is a mainstay of rural western economies; and

WHEREAS: The stability of rural western economies is also dependent upon the BLM maintaining this strong multiple use orientation; and

WHEREAS: The BLM is well suited and properly empowered to protect natural scenic, cultural, and historical values on its lands while continuing to manage multiple use activities and provide economic opportunity to the citizens of the United States.

THEREFORE, BE IT RESOLVED: That proposed regulations that would require "joint determination" prior to coal leasing between BLM and other surface management agencies are an unacceptable cession of BLM authority to manage its lands for conventional multiple use and economic production; and

BE IT FURTHER RESOLVED: That no other Federal surface management agency shall have equal or essentially concurrent authority with the BLM in determining that the BLM's lands are acceptable for further consideration for Federal coal leasing; and

BE IT FURTHER RESOLVED: That only the existence of those species and habitats actually designated as threatened or endangered shall constitute sufficient grounds for designation of a given coal tract as "unsuitable;" and

BE IT FURTHER RESOLVED: That it is in the best interest of the United States of America, for both strategic and economic reasons, that its BLM-administered lands remain accessible to conventional multiple uses and not be unduly restricted due to adjacent single-purpose use lands.

Resolution of the Chairman

NATIONAL GUARD SUPPORT (B. Wells O'Brien)

WHEREAS: Both Land and Air Units of the National Guard have worked closely with the Bureau of Land Management (BLM) in the designation and operation of military operating areas; and

WHEREAS: The National Guard throughout the western United States has provided assistance to BLM on a wide variety of activities including fire suppression, disaster relief, logistical support, and advisory committee assistance; and

WHEREAS: The support of the National Guard Bureau, the Alaska Air National Guard, and the Commander and personnel of Kulis Air Base has been critical to the success of the National Public Lands Advisory Council's meeting in Anchorage, Alaska.

THEREFORE, BE IT RESOLVED: That the Chief, National Guard Bureau; the Adjutant General, Alaska National Guard; the Commanding Officer, Kulis Air National Guard Base; and the officers and crew of the support aircraft be commended for their outstanding cooperation with the Bureau of Land Management and the National Public Lands Advisory Council and that the Chairman send letters to the appropriate parties expressing the Council's appreciation.

The Automated Land Records System in Alaska. Following adoption of the Council resolutions, members heard from Bish Buckle, Deputy State Director for Conveyance in BLM's Alaska State Office, about the State Office's efforts over the last decade to automate its land records system. He noted that such records were greatly increasing in Alaska as land ownership had changed through Congressional legislation, and that the Bureau was attempting to both address this pattern and get ahead of the problems that it caused.

Mr. Buckle stated that 70 computer terminals were already operational in BLM's various Alaska offices, and that the historical index was also undergoing automation. In terms of the case file management, he said that the automation was reducing handling costs and making the process more efficient and less time-consuming.

Meeting Adjournment. This concluded the business session of the Council's meeting. Member Gerald Creasy expressed his appreciation to the BLM Alaska staff for their many successful efforts, both during the field tour and meeting, by presenting them with a gift of fine cheese from his home State of Oregon.

Chairman O'Brien echoed Mr. Creasy's praise for the outstanding work that had been done in organizing the logistics for the 5-day Council tour and meeting. He gave special thanks to State Director Mike Penfold for overseeing the entire operation and to Joette Storm and Bill Robertson for making the field tour such a worthwhile experience for the Council. He also expressed appreciation to the Alaska Air National Guard for the transporation support it provided and acknowledged Dave Tidwell's guiding hand in putting the whole package together for the Council.

Mr. O'Brien then adjourned the meeting at approximately 5:00 p.m.

MEMBERS

NATIONAL PUBLIC LANDS ADVISORY COUNCIL

Name and Address	Telephone
Robert H. Adams P.O. Box 468 Valley Center, CA 92082	Residence: (619) 749-0854
Calvin Black P.O. Box 906 Blanding, UT 84511	Business: (801) 678-2021 Residence: (801) 678-2698
James E. Bowns Southern Utah State College Cedar City, UT 84720	Business: (801) 586-7922 Residence: (801) 586-9394
Donald Butler P.O. Box 32555 6541 E. Tanque Verde #1 Tucson, AZ 85751	Business: (602) 721-9022
Garrey E. Carruthers Governor of New Mexico State Capitol Building Santa Fe, NM 87503	Business: (505) 827-3000
Gerald J. Creasy P.O. Box 385 708 Fir Street Garibaldi, OR 97118	Business: (503) 842-3403
David W. Delcour AMAX Mineral Resources Company 1707 Cole Boulevard Golden, CO 80401	Business: (303) 231-0210
Paula P. Easley Resource Development Council, Inc. Box 100516 Anchorage, AK 99510	Business: (907) 276-0700 Residence: (907) 274-6800
Howard (Bud) Eppers, Jr. Dunlap Route Box 1139 Roswell, NM 88201	Residence: (505) 623-6103

ATTACHMENT A

Name and Address	Telephone
Alan C. Epps P.O. Box 84443 Fairbanks, AK 99708	Business: (907) 474-7200 Residence: (907) 479-5241
Robert L. Flournoy Box 98 Likely, CA 96116	Business: (916) 233-4912
Raymond L. Friedlob 1400 Glenarm Place - 3rd Floor Denver, CO 80202	Business: (303) 571-1400 Residence: (303) 759-2508
William Golding 3020 1001 Fourth Avenue Plaza Seattle, Washington 98154	Business: (206) 682-5757
Lawrence J. Kelley SUPRA Corporation First City Tower 1001 Fannin, Suite 1420 Houston, TX 77002-6778	Business: (713) 655-1234
Cecil Miller, Jr. 1029 Acacia Circle Litchfield Park, AZ 85340	Business: (602) 257-8655 Residence: (602) 935-1730
Eddie Moore P. O. Box 161 Douglas, WY 82633	Business: (307) 358-3173 Residence: (307) 358-2932
Peter C. Murphy, Jr. P.O. Box 783 Springfield, OR 97477	Business: (503) 344-4747
B. Wells O'Brien P.O. Box 2311 Reno, NV 89505	Business: (702) 329-6131
Dave Schaenen P.O. Box 2343 Billings, MT 59103	Business: (406) 252-4201
J. William Swan Rogerson, ID 83302	Residence: (208) 857-2211
Robert R. Wright Clover Valley Rt. Wells, NV 89835	Residence: (702) 752-3784

6/9/87

AGENDA

Meeting of the
NATIONAL PUBLIC LANDS ADVISORY COUNCIL

Sheraton Hotel
401 East 6th Avenue
Anchorage, Alaska

Friday, June 19

8:00 a.m. Call to Order and Welcome
Announcements. Discussion of Meeting Agenda. Election of Officers for 1987.
B. Wells O'Brien, Chairman
Robert F. Burford, Director, Bureau of Land Management
Michael Penfold, Alaska State Director, BLM
Vern Wiggins, Federal Co-Chairman, Alaska Land Use Council

8:15 a.m. Gas Transmission System Development in Alaska
Jules Tileston, Trans-Alaska Gasline System (TAGS) Manager, BLM Alaska State Office

8:45 a.m. Department of the Interior's Arctic National Wildlife Refuge (ANWR) Report
Michael Menge, Chief, Branch of Mineral Assessment, BLM Alaska State Office

9:15 a.m. Placer Mining Operations in Alaska
Reed Smith, Deputy State Director for Mineral Resources, BLM Alaska State Office

9:45 a.m. Break

10:00 a.m. Meeting of Council Subcommittees
Energy and Minerals Subcommittee
Lands Subcommittee
Renewable Resources Subcommittee

12:00 p.m. Lunch

1:00 p.m. Public Statement Period
This period provides an opportunity for members of the public to address the Council regarding national public lands issues on the meeting agenda. Speakers are asked to submit a copy of their written testimony prior to oral delivery so that the Council will be prepared to respond or answer questions. Written statements alone may also be filed with the Council. Depending on the number of people who wish to address the Council, it may be necessary to limit the length of oral presentations.

ATTACHMENT B

2:00 p.m. Council Old and New Business

a. Report on Resolutions Adopted at Rolla, Missouri, Meeting
b. Federal Land Withdrawals: Status of Litigation
c. Draft Wild Horse and Burro Program Policy
d. Task Force Reports:
   1) Land Status Determination on Federal Mining Claims,
   2) Reclamation Bonding Pertaining to BLM Mining Claims
e. Discussion of Agendas for Future Council Meetings
f. Other

2:30 p.m. Alaska Conveyance Issues

Robert Arndorfer, Deputy State Director for Conveyance Management, BLM Alaska State Office

3:00 p.m. The Automated Land Records System

Bishop Buckle, Deputy State Director for Support Services, BLM Alaska State Office

3:30 p.m. Meeting of Council Subcommittees

4:30 p.m. Report from Subcommittees to Full Council; Consideration of Council Resolutions

5:00 p.m. Adjourn

Issues for Subcommittee Discussions

Energy and Minerals Subcommittee
- Trans-Alaska Gasline System (TAGS)
- Arctic National Wildlife Refuge (ANWR) Coastal Plain
- Placer Mining

Lands Subcommittee
- Alaska Land Conveyances
- Arctic National Wildlife Refuge (ANWR) Coastal Plain
- Multiple-Use versus Single-Use Management
- Automated Land Records System

Renewable Resources Subcommittee
- Wild Horse and Burro Policy
- Rangeland Improvement (8100) Funds
- Arctic National Wildlife Refuge (ANWR) Coastal Plain

Council Field Tour

From June 15-18, the Council participated in a 4-day field tour that highlighted public lands and related issues in Alaska. A summary of the tour follows.

Monday, June 15. Council members departed from Anchorage at approximately 7:30 a.m. for the Alaska Air Guard Facility at Coulis. Upon arrival, they were greeted by BLM's Alaska State Director, Mike Penfold, who extended an official welcome to the State. He introduced the officers of BLM's Southern and Northern Alaska Advisory Councils who would be accompanying the members on their tour and the Alaska Air Guard personnel who would be in charge of the aircraft during the field trip. Mr. Penfold also discussed the effective working relationship that the military had established in the State with Federal agencies, private organizations, and the public. Robert Gastrock, the Air National Guard's Deputy Commander for Operations at Coulis, then addressed the Council and presented a film which described the mission of the Alaska Air National Guard. He also discussed the military's use of public lands in the State for training maneuvers.

The Council then departed via military aircraft for Fairbanks, and the beginning of their field tour. The briefings in Fairbanks were held at the Alaska Fire Service facilities.

Mike Penfold provided an overview of the new district office organization recently established for BLM-Alaska. He explained that it would help reduce personnel and costs, and at the same time increase service to the public. He also discussed the major themes that affect public land management in the State -- 1) competition for limited resources, and 2) development versus protection of resources. Mr. Penfold then provided an overview of: the diverse Alaska population, and the problems that natives were experiencing with the changes of the last two decades; the vast mineral production in the State and accompanying revenues that came from such production; the complicated pattern of Federal, State, and native land ownership; conveyance of lands pursuant to the Alaska Statehood Act, ANCSA, and ANILCA; BLM's cadastral surveying operations in Alaska (the largest such program in the world); the network for fire control and management in the State; and the interagency cooperation that takes place with the National Park Service, Fish and Wildlife Service, and the Forest Service for minerals management and land records.

Council member Alan Epps then provided an historical perspective on land management in Alaska. Highlighted were the importance and implications of the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and The Alaska National Interest Lands Conservation Act. Professor Epps also provided members with a background paper that contained detailed information about the various acts and their administration. He noted that the easy land transfers to the State of Alaska and Alaska Natives had already been made, and the remaining ones would require special attention so that all parties -- inholders, Alaska Natives, Alaskans, and national/international publics -- are all treated fairly.

ATTACHMENT C

Don Runberg, BLM's Steese/White Mountain District Manager, next discussed the recreation, minerals and wildlife management activities of his district. He highlighted river use, mushing, hiking, and hunting on public lands as some of the recreational opportunities available and noted the need for better access in some areas. In relation to the minerals program, he mentioned the impacts that the Sierra Club lawsuit was having on placer mining operations in the State and the tight timeframe that BLM was under to develop the concurrent EISs required by the Court for the Birch Creek area. He lastly discussed the wildlife program and the district's tracking of sheep, moose, and falcon populations.

Tom Owen, Manager of the Alaska Fire Service, then covered the work and scope of activities handled by the AFS. He explained that the Service was responsible for protecting the northern half of Alaska (approximately 150 million acres), while the State of Alaska was responsible for the southern portion. Mr. Owen also noted that such AFS protection was provided for Federal, State, military, and native corporation lands, and that 95 percent of fires were curtailed before significant damage had been done. He lastly discussed fire management plans, and the priorities they are based on, and the need to do prescribed burns in certain locations.

In the afternoon, the Council toured the AFS facility and learned about smoke jumper training and operations. They also inspected the equipment and aircraft that were used in fire fighting activities and met with personnel trained as smoke jumpers.

Tuesday, June 16. The Council members departed from Fairbanks via military aircraft for Prospect, where they began a bus tour of the Utility Corridor. Tom Dean, Manager of BLM's Arctic District Office, served as narrator for the tour. He discussed the Resource Management Plan (RMP) that BLM was developing for the Utility Corridor and indicated that the Bureau was scheduled to go public with the draft RMP in July. He noted that the objectives of the RMP would be: to manage the corridor for transportation of energy minerals, to develop recreation opportunities along the Dalton Highway area, to assure environmental protection along the corridor, to plan for mineral and economic development, and to allow State selections in appropriate areas of the corridor.

Mr. Dean also discussed the Trans-Alaska Pipeline System (TAPS) and the care that was taken during its planning to ensure the natural environment and wildlife would not be adversely impacted by either the construction or operation of the pipeline. He emphasized the studies that were done to ascertain the needs of wildlife in the area and discussed how the pipeline was elevated in areas to permit wildlife movement and avoid damage to the permafrost layer. Mr. Dean further noted that this was the tenth anniversary of the pipeline's operation, and that Alyeska (builder of TAPS) had maintained an excellent stewardship record.

Council members next toured Alyeska'a Pump Station #4 to get a better understanding of how the pipeline transporation system functioned. They also viewed a film produced by the company which emphasized the successful co-existence of wildlife and the pipeline.

Following this on-the-ground tour of the Utility Corridor and TAPS, the Council flew to Deadhorse, on the North Slope of Alaska. That evening, members visited ARCO's facilities in Deadhorse and were briefed on the company's oil and gas extraction and processing operations in Prudhoe Bay.

Wednesday, June 17. The Council began the third day of its field tour with a visit to SOHIO's facility at Deadhorse. At SOHIO, representatives of the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game discussed the wildlife monitoring activities they were conducting to determine if opening the ANWR Coastal Plain to energy development would have adverse impacts on the animals. One conclusion they reached from their studies was that there was no "core calving" area for the caribou herd; rather, the animals tended to move among locations from year to year. They also observed that caribou numbers had greatly increased in the Prudhoe Bay area since the time of development activities. Their conclusion was that the animals could be successfully accommodated if the ANWR coastal plain were opened to energy development.

Members next toured SOHIO's facility and were briefed on the company's oil-gas separation operations. It was also explained that the entire Prudhoe Bay field is being developed under a unitization agreement, with SOHIO operating the western part of the field and ARCO operating the eastern part for unit participants. This was done to avoid duplication of activities and to ensure efficient production. Costs to develop and maintain the field, and the oil and gas produced, are shared by the interest owners, based on formulas agreed to by all participants.

Following the SOHIO tour, Council members flew to Kaktovik and then transferred to smaller aircraft for overflights of the ANWR coastal plain area. This provided them an opportunity to view first-hand both the terrain of the area and the dispersion of wildlife. They also met with local Kaktovik officials and heard their positive comments about opening the coastal plain area to energy development.

From Kaktovik, the Council flew to Umiat, which was once a staging area for the Navy in the National Petroleum Reserve Area (NPRA). It was explained by Tom Dean that the NPRA had had 26 holes drilled for oil and gas, but nothing in the way of a commercial find had been discovered. Industry had now lost interest in the area because of the much higher prospects perceived for ANWR.

Departing from Kaktovik, the members flew to Kotzebue. That evening they visited the NANA Museum of the Arctic, an institution dedicated to the preservation of the Eskimo culture. At the museum, they met with representatives of the NANA Corporation, the National Guard's Third Scout Batallion, and BLM's Kotzebue office. Peter Schaefer and Walter Sampson of NANA discussed the history of the 13 native Alaska corporations, and particularly focused on NANA and its positive working relationship with BLM. They indicated that NANA had now received 75 percent of its entitlement land, based on subsistence use patterns. Officers Coppock and Green

of the National Guard's Third Scout Batallion, next discussed the territory covered by this all-Native batallion. They stressed the limited resources they had to cover 144,000 square miles and explained that the batallion served as the "eyes and ears" of the regular Army National Guard. They also discussed the Batallion's need to secure training areas (such as BLM lands), and added that they would need help in obtaining access to such areas. Bob Gol, representing BLM's Kotzebue office, covered the history of Kotzebue and BLM's office at the location. He noted that BLM works with NANA and Northwest Borough representatives from this office and also provides mining information, land records, and liaison for field programs.

Thursday, June 18. Council members departed from Kotzebue at approximately 7:00 a.m. for Nome, and the last day of their field tour. They started the day with a breakfast meeting at the Nome Roadhouse, where they met with local officials from the area. Mayor John Handeland first spoke of the major income-producing industries in Nome -- gold mining and tourism. Guy Martin, Land Director for the Bering Strait Native Corporation, then discussed the key land issues that were important to the native corporations. These included unpatented mining claims, trespass, and Native Allotment Act problems. Roger Bolstad, BLM's Kobuk District Manager lastly provided an overview of the principal programs and issues that the Bureau was involved with in the district. He covered the minerals program, reindeer grazing permits, the Iditarod Trail race, and the need to increase access to public lands.

Following the breakfast meeting, the members departed by bus for the Davis Reindeer Corral, owned by Larry Davis and involving 4,500 animals on 2,200,000 acres of land. At the corral, member Alan Epps also discussed the University of Alaska-Fairbanks' applied reindeer research program which is analyzing antler and meat production, reproduction and recruitment of fawns, and internal parasite problems. It was further explained that the Alaska reindeer industry is unique because the reindeer are held in trust by the Bureau of Indian Affairs, and the land is held by State, Federal, and quasi-private native corporations.

The next step on the field tour was at Herb Engstrom's placer mining operation in Basin Creek. Mr. Engstrom discussed with members the history of placer mining in the area, and the impact that the Sierra Club lawsuit was having on present operations. The Council later toured a larger operation, at the Gold Dredge #5, to gain a fuller perspective on the scope of placer mining in the area.

Following lunch in Nome, the Council departed for Anchorage and concluded its 4-day field tour.

PUBLIC STATEMENTS

June 19, 1987

National Public Lands Advisory Council

ATTACHMENT D

Jerry C. Wickstrom
1009 E. 26th Ave.
Anchorage, AK 99508

January 15, 1987

U. S. Fish & Wildlife Service
2343 Main Interior Bldg.
18th & C. Street N. W.
Washington D. C. 20240

ATTN: Division of Refuge Management

Ladies and Gentlemen:

Enclosed are my comments and recommendations with regard to resolving the issues of opening the Arctic National Wildlife Refuge to petroleum leasing and development. These comments are based on my review of the document and my professional experience as wildlife and fisheries biologist, land and resource planner and past program manager for BLM interagency leasing and environmental studies for the National Petroleum Reserve in Alaska (NPRA).

The best approach that Alaska can take to getting the refuge opened is to take a steady thoughtful approach, tone down divisive rhetoric, look at the long term and nationwide interests, manage the land carefully and plan for ultimate restoration of the area to as close to natural as feasible.

There is no doubt pure wilderness will be destroyed. We should admit that up front and offer to trade this area for inclusion of wilderness elsewhere. For example, part of NPRA - e.g. Teshekpuk, Utukok Upland, and Icy Cape have had little petroleum development interest and may be trade off potentials.

With regard to the caribou calving controversy, I suggest that a commitment to phase in of leasing, studies and inventory in advance and better communication of industry efforts and success in the Kuparuk are essential. There should however be immediate leasing in all of the area except area D since the issue of oil potential can only be resolved by drilling.

The Secretary of Interior's recommendation is sound. Legislation should include additional long term mitigation and management commitments from the beginning. The long term view needs to be expressed.

Sincerely,

Jerry C. Wickstrom

JCW/acr

cc: RDC
State of Alaska
USFW - Anchorage
BLM - Anchorage
Anchorage Board of Realtors

4027 Hampton Drive
Anchorage, Alaska 99504

June 19, 1987

National Public Lands Advisory Council
Anchorage, Alaska

Subject: ANWR Comments

Enclosed are my comments on the ANWR EIS and my recommendations for an equitable resolution of the issue. My comments today will summarize these points. Thank you.

Jerry C. Wickstrom

Jerry C. Wickstrom

Encl.

CONCLUSION & RECOMMENDATION

The Secretary's recommendation of phased in leasing is the best approach. This could be improved and implemented by:

a. Institution of off season government or industry COST well exploratory drilling to define values in the trade off decisions regarding development of area D. The NPRA experience of government exploration was helpful.

b. Support for and passage of energy conservation legislation. In the best of discovery circumstances the nation's energy supply and balance of payments will not be corrected.

c. An oil import tax with proceeds to go directly to payment on the national debt. This would also provide government and industry a long term stable basis to make minimum bid, royalty rate and economic development decisions.

d. Lease stipulations including a requirement that roads, pads, airstrip and other physical activities which mar the wilderness, be designed at the beginning to facilitate rehabilitation at the end of field life, to small "w" wilderness or backcountry status. For example pads, excavation and pits should be rounded or lenticular in shape or easily reshaped to such rather than square cornered contemporary engineering designs.

e. Initial legislation stating the goal of restoration of the area to as close to natural as possible. This would include removal of all structures, obliteration, removal and cosmetic treatment of all physically disturbed areas including pits, berms, roads and pads. The road to the Dalton Highway should not become a permanent transportation link within the refuge, but could provide access to the western boundary. The gravel road, while largely rehabilitated, would form a hiking trail across the coastal plain. Pictures of the restoration and cleanup record on NPRA should be used to educate the national public.

f. Legislation establishing a jointly funded sinking or reserve fund to accomplish restoration. The Federal Government, State of Alaska and the oil companies should contribute a minor percentage of proceeds from sales, bonuses and net profits to an investment fund. If 100 years is the hypothetical end of operations, $1,000,000 set aside at 6% compounded annually for this period amounts to almost $340,000,000.

g. Halting land trades with the Native Corporations. These trades, although well intended, may prove to be a complex, particularly litigous impediment to expedited leasing. Rather than a land trade, I recommend a percentage of State of Federal income from the sale be committed to buy out critical inholdings in conservation areas, or fund other conservation needs.

REVIEW COMMENTS AND POLICY RECOMMENDATIONS

ARCTIC NATIONAL WILDLIFE REFUGE - DRAFT EIS

01/15/87

GENERAL COMMENTS

The report is an excellent example of EIS writing, editing, and illustration.

ISSUES

a. Congressional designation of a wildlife refuge put wildlife in the highest priority position, however, the decision to not place the coastal plain in wilderness must have been made due to oil and gas potential.

b. The issues are nearly identical to NPRA issues. The NPRA court suit over subsistence was decided by the 9th Circuit Court ruling that there had been compliance due to deletion of core calving areas and Teshekpuk Lake waterfowl area, and the subsistance and other stipulations.

c. Complex geology of the area requires drilling to define subsurface values. Fear and opposition to leasing on NPRA proved to be unfounded due to little or no exploration drilling and no development after leasing. Also, there was no interest in the 3rd lease sale.

d. The Kuparuk experience is the best technically documented experience regarding caribou calving. Prudhoe Bay area had no inventory in advance - Kuparuk is a good example of cooperative design development.

e. Alyeska Pipeline experience demonstrates that elevation of the pipeline works for pipeline passage of wildlife. Gravel crossings have not been used and thus are costly and unnecessary.

f. Habitat should be looked at in broad perspective, e.g. gravel pads, etc., do convert a minor percentage of one type of habitat - e.g. moist tundra, but may diversify habitat from a comprehensive standpoint by varying the habitat. Gravel, roads and pads - if not being used by humans probably attract a variety of species including caribou which may find insect relief or a dry resting area. They may however on an ecosystem standpoint introduce use pattern changes, e.g. predators having easier travel routes.

g. The worst case scenario would be for industry, after finding and developing a field, to find it uneconomic, e.g. Milne Point. In this case the wilderness would be destroyed or severely impacted and no benefits accrued. The best scenerio would be for a massive discovery which makes it all worthwhile.

SPECIFIC COMMENTS

PAGE 72, TABLE III-4

How was the price of oil determined? What will be the likelihood of bids if the price of oil stays down? What will be the price per barrel to establish minimum bids? Are there any alternative approaches to leasing that should be considered - e.g. low minimum bid and sliding scale royalty?

While these factors are not usually a preliminary consideration they do become part of the decision process and thus should be explained.

Resource Development Council
for Alaska, Inc.

907 "G" Street, Suite 200, Anchorage, Alaska 99501-3440
Box 100516, Anchorage, Alaska 99510-0516 - 907/276-0700

EXECUTIVE DIRECTOR
Becky L. Gay

EXECUTIVE COMMITTEE
Joseph R. Henri, President
J. Shelby Stastny, Vice Pres.
John Forceskie, Vice Pres.
John Rense, Vice Pres.
Stephen M. Ellis, Secretary
Larry Laughman, Treasurer
Sharon E. Anderson
Earl H. Beistline
Boyd J. Brownfield
O.K. "Easy" Gilbreth
Uwe L. Gross
Karen J. Holstad
John T. Kelsey
J. Vincent O'Reilly
Ethel H. "Pete" Nelson
E. Thomas Pargeter
Lin S. Sloane
Darrell F. Smith
R.D. Stock
Doug M. Webb
Charles R. Webber

DIRECTORS
Lenny Arsenault
James K. Barnett
Rex I. Bishcop
Steven C. Borell
Janna Brattain
Robert A. Breeze
Michael Broili
Kelly M. Campbell
Alexander J. Capasso
Cornett
Davidge
Ty Dinneen
James V. Drew
Roy Ewan
Don L. Finney
Lee E. Fisher
Dan R. Fondell
A. Debbie Pullenwider
Ray D. Gardner
Robert Gilliland
Paul Glavinovich
Randy Goodrich
Dick Griffin
Jon Halliwill
Donald L. Hansen
Dave Harbour
Hazel Heath
Phil R. Holdsworth
William J. Hornung
Kurt A. Humphrey
Steven L. Jackstadt
Dorothy A. Jones
Phillip L. Locker
Robert W. Loescher
Chris McAfee
Len McLean
Lee R. Nunn
Richard A. Petuso
Charles Pool
Rosemary Porter
Stephen M. Rennberg
Thomas H. Reynolds
William E. Schneider
Jerome Selby
Dale Teel
Leighton H. Thetford
Joe J. Thomas
Richard W. Tindall
Cynthia D. Tooney
Joseph E. Usibelli, Jr.
Lyle Von Bargen
William R. Whiteside
George P. Wuerch
Dave Yesland

EX-OFFICIO MEMBERS
Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young

Testimony of
Resource Development Council for Alaska, Inc.

National Public Lands Advisory Council,
June 19, 1987
Anchorage, Alaska

Good afternoon. My name is Richard Tindall, Director of the Resource Development Council Renewable and Non-Renewable Resources Division. The Resource Development Council is Alaska's largest private, economic development organization. Our members, who come from all economic and geographic sectors, recognize that the state's natural resource sector is the most important element of Alaska's economy. If the state's basic industries are strong and dynamic, all others will prosper.

With the sharp decline in oil prices, Alaska needs to get serious about diversifying its economy. We can develop our tremendous resources of oil, gas, fish, minerals and timber in an environmentally-sound manner. By tapping this immense resource potential, we will create new wealth and new opportunities for Alaskans.

But, there are some formidable roadblocks. The big one is land use policy. Land use decisions and policy control how, or even if, development can proceed in our state--onshore and offshore. That's why the Resource

Development Council devotes thousands of dollars and immeasurable hours to the study of over 50 state and federal land management plans. And that's why we have fiercely lobbied the legislature, Congress and administrative agencies for policies that meet our concerns for the people who use the land.

Second only to land use as a roadblock to development are the laws, regulations and stipulations that have multiplied at an astronomical rate during the last fifteen years. Today it may be just one little tax, one insignificant regulation, one more hoop to jump through for a permit, one set-aside of land, but tomorrow it means, collectively, enough laws, regulations, stipulations and roadblocks to make almost anywhere else look better than Alaska as a place to do business.

Alaska's growing support sector is directly tied to the competitiveness of its resource industries. If we're not harvesting our forests, mining coal, gravel and other minerals or exploring for and producing oil, people don't have jobs or money. What can we do to help Alaska's economy while at the same time make a meaningful contribution to the American economy?

The first step is to retain the absolute maximum amount of land in true multiple-use classifications. Most of our future development will take place on state, native and federal lands. And much of that development will be affected by Alaska's huge parks and refuges. That is why I believe land use policy is so important when it comes to the long-term development of our state.

The development and diversity of the U.S. economy can be

directly related to federal and state land policies. Periods of growth and national prosperity were proceeded by land policies that emphasized private ownership and multiple-use management.

Approximately 60 percent of Alaska's land mass is owned by the federal government with the state holding about 28 percent. Native lands comprise 12 percent of the state while only 1 percent is in other private ownership.

The 220 million acres of federal lands within the state alone would comprise the second largest state in the union and is larger than the combination of California, Nevada and Utah. If Alaska's 55 million acres of designated Wilderness were made into one state it would be the 11th largest state in the U.S. The 74.5 million acres of national wildlife refuges in Alaska would comprise the 6th largest state in the U.S.

One could take the combined states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland and Virginia and still not equal the amount of land that has been set-aside as designated Wilderness, national parks and wildlife refuges in Alaska.

This huge block of highly-restrictive, set-aside land in Alaska directly and indirectly affect investment in the state's resource industries. Much of the federal and state land where resource development is most likely to occur has been left as islands in a sea of parks and refuges with the only access points coming through national parks the size of Vermont or wildlife refuges that are nearly the size of Minnesota.

If our window of opportunity is to remain open for the welfare of generations ahead, we must demand reasonable, forward-looking land use policies. You can help by recommending to the Secretary of Interior that our right to reach remote resource deposits through adequate transportation corridors is upheld and respected.

We appreciate your support of the Secretary's recommendation to open the Coastal Plain of the Arctic National Wildlife Refuge to oil and gas exploration and development.

There are many sound reasons why the opening of just eight percent of the refuge to oil and gas development is in the national interest. Development of world-class oil deposits in the refuge would promote economic development, reduce America's growing dependence on foreign oil, strengthen national security, restrain the national trade deficit and create many thousands of new jobs nationwide.

Most importantly, we can have both oil development and wildlife protection. Based on wildlife studies and ongoing experience in the arctic, development would have a minimal impact on the environment and the Porcupine Caribou Herd. While the herd uses 9 million acres of the Alaska and Canadian coastal plain as calving grounds, the area proposed for leasing in Alaska is only 1.5 million acres. If oil is found, the maximum area directly affected by production would be around 13,000 acres, a fraction of one percent of the entire ANWR coastal plain.

Some critics argue that the 19 percent odds of finding oil within the refuge is not worth the environmental risks. On the

contrary, a 19 percent prospect is exceptional, the best in America and one of the best in the world. In frontier areas, a range of 2 to 4 percent is usually sufficient to justify exploration. Remember, 11 dry holes were drilled at Prudhoe Bay before oil was discovered.

The Resource Development Council also urges your support of the development and construction of a natural gas pipeline system in order to provide market access for the vast deposits of natural gas found on the North Slope. With oil exploration, development and production occurring across the North Slope without significant adverse environmental impacts, we are confident in the ability of the private sector to produce and transport Alaska natural gas. Further, the improved expertise in arctic and subarctic construction that was gained from previous North Slope oil and gas development has significantly reduced the cost projections for the construction of a natural gas pipeline.

As you are aware, the sale of North Slope gas requires the permission of the President. He must decide that the export is in the national interest.

Yukon-Pacific Corporation's gas pipeline proposal is simply good for business. The pipeline would be good for domestic business and help reduce America's trade deficit with our Asian partners. The pipeline proposal could add a positive $80 billion to the balance of payment of the U.S. during the course of the project and contribute up to $3 million a day in royalty and tax payments to the state during the next 30 years.

Time is essential for the success of the project. The major market for the gas would be the Pacific Rim, as the Lower 48 has an abundant supply of its own gas. Existing Japanese gas contracts with Indonesia will expire in the mid-1990s and Japan is already looking for new sources of gas from several countries, including the Soviet Union and Australia. If we are to take advantage of this brief window of opportunity, we must act soon.

Thank you for this opportunity to comment.

Alaska State Legislature

Senate Resources Committee

Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

Statement

of

Senator John B. Coghill

Prepared for the

National Public Lands Advisory Council

Anchorage, Alaska

June 19, 1987

Good afternoon ladies and gentleman.

Unfortunately, I have been unable to meet with you on the many issues related to Alaska's federal lands, while you are here in our wonderful state. I would like to express first, my apologies for having to use legislative staff to convey my concerns and secondly, my disappointment at not being able to attend this meeting with such an impressive agenda.

Today I will limit these brief comments to one item on your agenda, namely Placer Mining Operations in Alaska.

My staff informs me that you are aware of the recent federal court ruling in the Sierra Club v. BLM case. I have copied you with two pieces of correspondence that outline my immediate

concerns with this court decision. In my view, it is imperative that the BLM appeal the mine closure conditions of the ruling. It is my understanding that the miners, through their counsel Pacific Legal Foundation, have filed a motion in this regard. However, only the BLM can assure the court that comprehensive Environmental Impact Statements will be compiled in a timely manner. Alaskan mines should not be closed while this work is being completed. The court has recognized, that the economic harm resulting from mine closures is not in the publics interest, therefore BLM should do every thing possible to insure mines are not closed prematurely.

I hope that this prestigious council will perhaps lend support that will inspire BLM to act promptly.

As a second generation Alaskan with eighteen grandchildren, I am extremely concerned with the erosion of self motivating opportunities within Alaska and the nation. The incentives to use the public lands for self improvement, through economic means, seem to be evaporating on an annual basis. For Alaska, with nearly incomprehensible federal acreages, this erosion of opportunities threatens the very fabric of Statehood and national concepts of self determination.

If you share my concern, then I'm sure you will agree that, environmentally responsible development can take place on our

public lands to the satisfaction of all user groups. I would urge you to make recommendations and take actions, which not only encourages BLM to act on appeal, but promotes sound land use policies.

Thank you for this opportunity to present my comments; and I would like to thank those council member who are not Alaskan for coming to see our "great land," may you always remember the spirit of its people and the potentials of its landscape.

Note: This statement is to be read by Mr. Dave Parish, of Senator Jan Faiks Senate Office, on behalf of Senator Coghill.

Alaska State Legislature

Senate Resources Committee

Sen. John D. (Jack) Coghill, Chairman
Sen. Paul Fischer Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jan Faulkner
Sen. Fred Zharoff
Sen. Dick Ellison

Box V
Juneau, Alaska 99811
(907) 465-4907

June 16, 1987

Michael J. Penfold
State Director, BLM
701 C Street, Box 13
Anchorage, AK 99513

Dear Mr. Penfold:

The recent ruling in the Sierra Club v. BLM case from Judge Von der Hydt's court, has raised several questions I hope you or your office will be able to answer for me. As you know I am very concerned with the state of the mining industry in my election district and through out the state, this latest ruling does nothing for my confidence that the industry will survive the 1988 mining season.

The first question I have relates to a recent letter the Park Service sent to the miners in the Kantishna District notifying them that the EIS required by the court in the Trustees v. National Park Service will not be completed until 1989; will the EIS's BLM is now required to do take as long? What are the time lines you are looking at? Can all the EIS's be completed by May 1, 1988? Do you have the resources to finish the EIS's before May 1, 1988?

The second question sort of stems from the first, in that, what can a miner expect BLM's operating prodedure to be if the EIS's are not completed in time for the 1988 season? What if the miner decides to operate anyway, how will you deal with this situation? If a Notice of Non-Compliance is issued, what sort of legal obligation are you under to prosecute if the miner complies with the Notice?

The last question is probably closer to a request for confirmation. My staff recently attended an Alaska Miners Association meeting at which BLM personnel were in attendance. It was reported that BLM solicitors in Washington D.C. had not made the decision to appeal the October 1, 1987 shut down date. If this is true I would like to know why.

It is my feeling that BLM should appeal that on the grounds that it is unnecessary for the completion of the EIS's that the mines be shut down, and that the court having recognized that the

Alaska State Legislature

Senate Resources Committee

Sen. John B. (Jack) Coghill, Chairman
Sen. Joe Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Ellison

Box V
Juneau, Alaska 99811
(907) 465-4907

June 16, 1987

The Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D.C. 20510

Dear Senator Stevens:

Once again I find it necessary to enlist your assistance with regard to the mining industry. As I'm sure you are aware of the latest ruling in Judge Von der Heydt's federal court, in Sierra Club v. Bureau of Land Management, I need not remind you of the serious economic consequences closure of placer mines will have on interior Alaska businesses.

There are two areas I think your influence would be beneficial to Alaska in this matter. The first is in assuring that the BLM has adequate funding to complete the court required Environmental Impact Statements before the May 1, 1988. The second would be to prompt the BLM Solicitors Office to appeal the October 1, 1987 closure date, to reflect a more realistic deadline for completion of the EIS's, so Alaska will not lose the economic contributions of our small mines.

I believe grounds for an appeal are found on page 14 of the courts May 14, Memorandum and Order on Cumulative Impact Claims. Here Judge Von der Heydt says:

> "It must be remembered that the miners are innocent parties in this dispute. The court has not, and on the present record could not, make any finding that the miners are operating illegally. Instead, it is BLM that has violated the law by failing to comply with NEPA before approving mining operations. Finally, while the public interest would suffer in the event further degradation of the Birch Creek Wild River segment, the public interest would likewise be harmed should the court deliver a crippling blow to the economy of the Circle Mining District." [underline added]

miners are innocent parties in this case, that the mines be allowed to continue operations until the EIS's are completed. My hope is that you will make this request to your legal counsel. You can be assured that a similar notification on this matter has been made to the Alaska Congressional delegation. Your help would be appreciated.

If there is anyway my office can assist your efforts to lessen the impacts of this case to the mining industry, please do not hesitate to call on us.

Sincerely,

Senator John B. Coghill

JC/brg

cc: Donald Runberg

It appears to me that the BLM could use this and the fact that it is in the courts interest to allow the BLM ample time to do thorough EIS's. With out adequate time Alaska will either lose the 1988 mining season due to BLM's failure to complete the EIS's or to environmental appeals on the grounds they are not comprehensive.

It is essential the BLM act on this matter before the appeal window closes. As a side note, the 1986 court ordered EIS required of the Park Service in the "mining in the parks case", will not be completed until 1989. Those 30 odd "inholding" mines are inoperable until Park Service completes their work.

Your timely action will be much appreciated.

Sincerely,

Senator John B. Coghill

JC/brg

Appearing before the:

National Public Lands Advisory Council
June 1987 meeting at the Sheraton Anchorage Hotel

SPEAKER. W. Findlay Abbott, age 41, resident of Yukon Island, Kachemak Bay.

SUBJECT. Endangerment of public lands and conflicts of interest within the Department of Interior by BIA influence upon BLM land disposal policy, especially regarding native allotments.

EXAMPLES: Native allotment applications AA 8149 and AA 8184.

BRIEF: The native applicants, who grew up in the Homer area and now live in Kenai and Anchorage, were assured by BIA officials during the 1970's that they would get 160 acres each on Yukon Island. The land is a National Historic Preserve, with a National Historic Landmark on it. My father had a valid homestead and trade and manufacturing site on the same land, for which he agreed to relinquish all but ten acres in 1963, so that in response to considerable, expressed public interest, the federal historic reserve could be established.

The State of Alaska, all of my family, and other individuals have protested or contested the allotments on the grounds that the applicants did not fulfill the requirements of the Allotment Act, that they filed their claims after the allotment act was cancelled by ANCSA, and the the land has over-riding public values and ought to remain in public ownership.

Although all field reports have found no evidence of use or occupancy or even knowledge about the land by the applicants, BLM has made several attempts to approve the allotments, each time thwarted by legal actions by us or by the State. Finally two and a half years ago, the Interior Board of Land Appeals issued a decision specifically for these allotments, instructing BLM to initiate a government contest of the disputed tracts. BLM has not done so, and instead seems intent upon looking for other ways to approve the allotments without adjudication. The latest BLM action has been to try and discredit our contest on minor technical points. The Department of Interior Regional Solicitor as much as told me that he is an advocate for the approval of the allotments and does not see his job as that of a guardian of the public interest.

CONCLUSION: With the proliferation of native corporations, profit and non-profit, and other agencies, the role of the BIA in Alaska is changing from a native welfare provider to a realty service for the minority of natives who are allotment owners. BIA ought to be removed from the Department of Interior, and perhaps phased out of Alaska altogether.

ATTACHMENTS: ISLA 85-196, National Park Service survey, BLM field conclusions.

THE ALLIANCE
P.O. Box 100100 / Anchorage, Alaska 99510 / (907) 278-4444

Dan Black - President
Price Ciri Construction Co.

Ann Curtis
Vice President-Events
Alaska Controls, Inc.

Chuck Becker
Vice President-Public Policy
Brown & Root U.S.A., Inc.

Scott Hawkins - Secretary
Economist

Craig Duncan - Treasurer
Price Waterhouse

David Haugen
Vice President-Membership
Lynden, Inc.

Milton Byrd - Director
Charter College

David Dorsey - Director
Sea-Land Service, Inc.

Tom Dow - Director
NANA Development Corporation

Ra[redacted]ch - Director
E[redacted]ravel Management, Inc.

Randall Kowalke - Director
Alaska Industrial Hardware

Joe Mathis - Director
Susitna Recreational Camps

Val Molyneux - Director
VECO International, Inc.

Raymond Latchem - Director
Norgasco, Inc.

Patrick Slater - Director
Financial Resources

J. U. Hans van der Wall - Director
Enserch Alaska Construction, Inc.

Larry G. Anderson - Director
MarkAir, Inc.

William N. Stites - Director
H & S Warehouse

Connie Yoshimura - Director
Fortune Properties, Inc.

Pat Rumley - Director
Wohlforth, Flint & Gruening

Robert Gardner - Director
Northern Technical Services, Inc.

Anita M. Burke
E[redacted]ve Director

J[redacted]nt
A[redacted]rative Assistant

TESTIMONY

OF

THE ALASKA SUPPORT INDUSTRY ALLIANCE

ON

ISSUES RELATED TO EXPLORATION AND DEVELOPMENT OF HYDROCARBONS ON THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE

BEFORE THE

NATIONAL PUBLIC LANDS ADVISORY COUNCIL

Meeting in Anchorage, Alaska

by

CHUCK BECKER
Vice President

June 26, 1987

ISSUES RELATED TO OIL AND GAS EXPLORATION
AND DEVELOPMENT IN THE COASTAL PLAIN OF
THE ARCTIC NATIONAL WILDLIFE REFUGE (ANWR)

Observations of the
Alaska Support Industry Alliance

I am Chuck Becker, representing the Alaska Support Industry Alliance of which I am Vice President. I am also the director of government affairs for the Alaska Division of Brown & Root USA, Inc., an international engineering and construction company, a major subsidiary of the Halliburton Company.

For those of you who are unfamiliar with the Alliance, it has become the collective voice of just over 300 firms throughout Alaska which perceive their interests to be best served by a vigorous and profitable petroleum industry in the state. Members of the Alliance are associated with both large companies and small businesses engaged in drilling and well cementing, logging and transporting, banking and accounting, constructing and engineering, brokering and designing. Alliance members typically are active in Alaska's political dynamic and concerned over public policy decisions and initiatives.

Before you today is an issue which, according to our annual survey of members, is THE number one priority of the Alliance. Simply stated, to open up the coastal plain of ANWR to oil and gas leasing.

The most basic action contemplated by Congress with respect to ANWR is leasing. However, a full discussion of the merits of this basic action has been obscured by the debate over the subissues associated with ANWR, especially the environmental consequences of oil development in the Arctic.

I. Leasing Methods

There are significant aspects of the leasing program which must be developed with care.

First, it is important that no element of the NPRA legislation be used. The well demonstrated record is that the NPRA leasing program was not a success. It was created by the Secretary using regulations because the Department itself lacked the statutory authority to provide a normal leasing program. In this environment, the leasing program did not, for instance, contain normal and necessary lease provisions regarding unitization, for the maintenance of the lease and the extension of the primary period by shut-in production, etc.

There already exists a well-developed and environmentally sensitive program expressly created for Alaska game refuges in §§ 1008 and 1009 of ANILCA (16 U.S.C. §§ 31, 48 and 49).

We believe that the Secretary should recommend to Congress that it adopt, with respect to ANWR, the ANILCA §§ 1008 (16 U.S.C. § 3148) and 1009 (16 U.S.C. § 3149) onshore leasing program. The §§ 1008 and 1009 program is the

competitive onshore leasing program utilizing the statutory authority and well developed procedures of the Mineral Lands Leasing Act, as applied by ANILCA to the unique circumstances in Alaska. The important features of this program include procedures intended to provide significant environmental protection, and to apply in the case of game refuges in Alaska in particular.

The procedures provided in § 1008 are similar to those contained in the Outer Continental Shelf Leasing Act (OCSLA, 43 U.S.C. § 1401 et seq.) including the preparation, pursuant to § 1008(f), of an exploration plan, and, pursuant to § 1008(g), preparation of a development and production plan. The Secretary retains the authority to monitor and modify the terms of such plans pursuant to § 1008(h), and if the Secretary determines that "immediate and irrepairable damage will result from a continuation enforce of a lease," then the lease may be suspended or cancelled pursuant to § 1008(i).

Congress need not attempt to "reinvent the wheel." The preparation of an environmentally sensitive leasing program which applies to game refuges in Alaska has already been accomplished by Congress and all Congress need do is to implement it. In other words, the simplest action for Congress to take in this instance would simply be to revoke §§ 1002(i) (16 U.S.C. § 3142(i)) and 1003 (16 U.S.C. § 3143), and the §§ 1008 and 1009 program will automatically apply.

II. NATIVE SUBSISTENCE WITHIN ANWR

Preservation of the subsistence resource is one of the most difficult and important issues relating to opening ANWR to oil and gas development. In evaluating this issue, it is important to keep in mind the following points:

First, the oil and gas industry has a strong commitment to preserving subsistence resources, and an excellent track record in having done so. The oil and gas industry has worked on the North Slope and in western Alaska in close contact with Native communities and regulatory agencies seeking to preserve the subsistence resources which otherwise might be affected by oil and gas exploration and development. As a result, no significant impact upon any subsistence resource has ever been substantiated as a result of oil exploration and development in Alaska -- and it is our strong belief that this excellent track record will continue in ANWR. The industry is strongly committed to this concern and will closely cooperate with Native subsistence users.

Second, it is also important to take note that subsistence impacts can only occur if there are significant impacts upon the wildlife resources of the area. The primary subsistence resource in this area is the Porcupine Caribou

herd, along with water fowl. The industry's excellent record in protecting caribou and other subsistence resources from impact at Prudhoe Bay and Kuparuk is a further reason why subsistence resources will not be impacted in this area.

Third, the subsistence lifestyle requires access to cash, for purposes of obtaining three-wheelers, guns, ammunition, and related supplies. The villagers in the local area will be able to utilize job opportunities offered by oil development to enhance their subsistence activities.

Fourth, Natives in the area, who are well experienced with the interactions between oil and gas development and subsistence, favor oil and gas development in ANWR. In fact, Jacob Adams, President of the Arctic Slope Regional Corporation, himself a whaling captain, has offered testimony in favor of opening ANWR to leasing which states that the Eskimo community is familiar with the favorable record of the oil companies in regard to the preservation of the subsistence resource.

Preservation of subsistence resources, and access to them, is a high priority of Kaktovik residents. Dall sheep, caribou, fish, seals, whales, birds and eggs, moose, and furbearers contribute to their subsistence economy.

As is the case in other North Slope villages, most residents obtain at least some of their food by hunting and fishing, and many get half or more of their total household food through hunting and fishing.

While the villagers of Kaktovik retain strong ties to the land, they also have adopted and incorporated many elements of western culture, technology and economy into their lifestyle. Oil and gas development, and the subsequent North Slope Borough capital improvement program, have increased the village's economic activity.

Changes in the Inupiat subsistence economy at Barter Island began about 1890 when whaling ships anchored in the harbor, and food, utensils, firearms and other items were exchanged for caribou and sheep meat, and clothing made of caribou hides. Bowhead whaling ceased from 1910, but economic activity continued in the forms of reindeer herding, trapping and postwar construction.

This activity created a dependence upon cash, and most villagers see local petroleum development as a positive means for maintaining a cash flow. At the same time they believe that, given appropriate environmental safeguards, oil and gas development will not endanger important subsistence resources.

III. DRILLING TECHNOLOGY

Drilling conditions in ANWR will not be vastly different from Prudhoe Bay. The terrain, climate, logistics and necessary support system will not be anything new and we will have had the benefit of over 40 years of arctic experience. This is especially important in that a "learning curve" has been established and we will not be making the same mistakes. Over 1100 wells have been drilled in the North Slope area with no disastrous consequences to the environment. The oil industry record and methods of operation in the arctic are truly exceptional.

Prior to drilling in ANWR, a comprehensive environmental study will probably be required. Assuming this is completed, a variety of permits will be requested that will insure environmental integrity. This is the first phase of the drilling operation and it will be administered by a host of government agencies. These agencies will spell out stipulations pertaining to all aspects of the program so that in a sense, the government will be implementing and enforcing their own recommendations.

Some of the agencies that may potentially be involved are:

1) The Office of Management & Budget (Coastal Zone Consistency).
2) Alaska Department of Natural Resources (water use, gravel sales, etc.).
3) Alaska Department of Environmental Conservation (Contingency plans, annular injection).
4) Alaska Department of Fish & Game.
5) Alaska Oil & Gas Conservation Commission.
6) U.S. Army Corps of Engineers.
7) EPA
8) U.S. Coast Guard
9) FAA, FCC
10) North Slope Borough

With these agencies reviewing all phases of the operation, we obviously do not need additional regulation. These agencies will have a direct impact on the drilling program through the permitting process and follow up on permit restrictions. Once the permits have been issued, on site work can begin. The ANWR drilling program will be somewhat similar to the exploratory program on Pet 4 in 1975-80.

Extensive use of ice roads, and ice airstrips will be used resulting in no environmental damage.

In addition, depending on well requirements the use of ice pads may be applicable. This type of construction is cheaper and more time effective than conventional gravel contruction. It is also in the best interest of the operators since it is more cost effective.

With today's state of the art rigs less pad space is required and a rig can fit on a 25,000 sq. ft. site. Additional space for camp and other drilling equipment will be needed.

Once the rig is mobilized actual drilling operations can commence. Of primary concern is well control and mud disposal since these are the major sources of any potential pollution. Well control is of utmost importance to everyone on the rig and all supervisory personnel will be MMS certified in well control.

In addition to trained personnel, all equipment will be "state of the art." Normal blowout prevention equipment would include three ram type preventors and one annular preventor designed to exceed all expected pressures.

Hydraulically operated chokes, pump stroke counters, trip tanks "flow-show" meters, Kelly cocks, trip tanks and inside BOP's are all part of the well control equipment. These items are considered "standard" on arctic drilling rigs.

In addition to the basic equipment, mud logging functions would normally be used on exploratory work. This system provides continuous monitoring of the mud flow and other drilling parameters such as mud density, background gas, drilling rate and pore pressure.

The use of this equipment helps predict bottom hole pressures and consequently adjustments to mud density can be made before actually needed. Pit level indicators, pit watchers and continuous monitoring by the mud loggers are a normal part of well control. All of this equipment and measuring devices help insure minimal risk of a blowout.

Another area of concern is mud disposal. Mud cuttings are normally dumped in a reserve pit and then covered and reseeded. This system works quite well and the top soil removed is usually stockpiled so it can be used to cover the reserve pit.

Again, it is in the operator's best interest to minimize the fluids in the pit since "mud" costs money. By using solids control equipment such as shale, shakers, desanders, desilters and centrifuges only the cuttings end up in the reserve pit with minimal amounts of mud.

Mud monitoring is usually required and includes data on muds discharged, cuttings discharged, product concentrations and other parameters. Certain products may also be prohibited by the EPA, and the mud system must fall into one of their "generic" types. All mud additives are basically approved prior to actual drilling operations. Alot of effort is extended in these two areas, (blowout prevention, and mud disposal) and again our record to date in Prudhoe shows that we have done a good job.

Other areas of concern include water supply, fuel storage, and sewer discharge. Again these are closely monitored and spelled out in the permits.

Only deep water lakes will be used for water sources with screen hoses to insure no fish are pulled into the hose. Fuel storage is normally in double walled tanks set in a lined and boxed in area. Sewer discharge is monitored daily and all plants must have an approved system.

The agencies issuing the drilling permit set the ground rules and they also monitor the overall drilling program. Provided they do not put prohibitive restrictions in the permit we can meet and often exceed their requirements.

Once drilling operations are complete, the rig will be demobilized to Prudhoe Bay. Normal procedure is to clean up the location after demob and then return again in the summer to pick up any debris that was frozen in.

Other than a wellhead sticking up, many locations are difficult to find once final clean up has been done.

IV. REGULATORY FRAMEWORK IN ARCTIC NATIONAL WILDLIFE REFUGE (ANWR)

A. INTRODUCTION

The mitigation measures directly applied as part of the opening of ANWR are not the only applicable mitigation measures.

Our members urge you to take fuller account of the extensive local, state and federal regulatory system already in place, and which has mitigated essentially all major impacts for existing North Slope developments. Oil and gas operations

which take place within the State of Alaska, whether they be conducted on federal, State, Municipal or private lands, are governed by a broad array of regulatory programs to insure the prevention or mitigation of environmental impact. The Arctic National Wildlife Refuge is no exception to this rule. The 1002(h) report does not acknowledge the importance of these programs, which are above and beyond any operating conditions and stipulations which the Department of Interior, Fish & Wildlife Service will impose on operations in that area.

B. FEDERAL PROGRAMS

On federal lands such as ANWR, federal agencies provide the primary regulatory structure governing oil and gas operations. The Department of the Army, Corps of Engineers and Environmental Protection Agency are responsible for implementing programs established by the Clean Water Act and the Clear Air Act. The Corps of Engineers is responsible for administering the Section 404 program which governs the deposition of fill materials in "waters of the United States," which includes wetlands. In its lead agency role it accepts comments from all interested state and federal agencies as well as the public in developing conditions and stipulations to mitigate or prevent any environmental impacts related to fill operations. Many of these conditions and stipulations in the

past have extended to restrictions on operations not directly related to the actual construction fill operations. By the imposition of these stipulations and conditions the interested agencies and the public have strictly controlled the type and quantity of operations which take place in those areas falling under the jurisdiction of the Corps of Engineer's program.

The Environmental Protection Agency and Fish & Wildlife Service play key roles in the management of the Section 404 program. Although the Corps of Engineers is the lead federal agency in managing the program, the Environmental Protection Agency has the authority to veto any Corps of Engineers' approval of a project which it considers to be a detrimental fill. Though this authority is rarely used, the potential that it might be used gives the Environmental Protection Agency a substantial voice in project reviews. Under the Fish & Wildlife Service Coordination Act the Fish & Wildlife Service also has substantial influence over what stipulations and conditions are imposed on a project, specifically relative to how such projects might impact fish and wildlife in the vicinity of the project area. Though the Fish & Wildlife Service does not have an absolute veto, it does have the capability of elevating a decision made at the local level of the Corps of Engineers to the headquarters offices of the Corps of Engineers and Fish & Wildlife Service in

Washington, D.C. This authority has a similar affect to that of the Environmental Protection Agency veto authority described above. Fish & Wildlife Service uses this authority more frequently. Such elevation makes the review process even more exhaustive and is one more guarantee that impacts will be prevented or mitigated, even when the quality and scale of impact is questionable.

The Environmental Protection Agency has primary authority over two important regulatory programs -- the Clean Water Act discharge program known as the National Pollution Discharge Elimination System (NPDES) and the Clear Air Act permitting program known as Prevention of Significant Deterioration (PSD). The NPDES program regulates the discharge of water or other fluids from a "point source." A point source is any means of transmitting or carrying or disposing of water or other liquids such as a pipeline, outfall line, hose or even a tanker truck. As a part of the Clean Water Act, this program dovetails with that of the Corps of Engineers under Section 404 to provide a complete system of regulatory coverage of water quality. The PSD permit regulates the discharge of elements into the air from operation of equipment, machinery, motors, and other devices. Both the NPDES and PSD programs require intensive coordination between the applicant and the Environmental Protection Agency, including the providing by the

applicant of large amounts of detailed specifications and chemical analyses. In the case of the PDS application, in particular, the process may take years to complete.

The regulatory umbrella described above provides complete coverage of land, water and air quality concerns. Superimposed on that coverage that is proposed by the Fish & Wildlife Service through the stipulations is proposed for application throughout the 1002 area, as well as the coastal zone management certification requirements described below.

C. STATE COASTAL ZONE MANAGEMENT

State agencies have the opportunity to influence the federal regulatory program on federal lands through the State of Alaska Coastal Zone Management Program. The State program was conceived with federal authorization under the Federal Coastal Zone Management Act of 1972. Since the approval by the federal government of the State program, it is required that federal agencies receive from the State of Alaska a certification that a given project or permit approval therefor, is consistent with the federally approved State Coastal Zone Management Program. Until the State of Alaska approves the administration of the State program by a local area, the Office of the Governor, Division of Governmental Coordination acts as

a clearing house for the comments from all interested State agencies. The ANWR lands fall within the coastal zone, as defined by the State program, and are therefore subject to this consistency requirement.

The interested State agencies include agencies such as the Department of Environmental Conservation and the Department of Fish and Game which are the counterparts of the federal Environmental Protection Agency and Fish & Wildlife Service. Accordingly, this program provides yet another layer of regulatory mitigation or prevention of environmental impacts.

D. CONCLUSION

The existing panoply of regulatory programs vitiates a perceived need for additional regulatory control. Any management program conceived by the Fish & Wildlife Service should take into account these programs which are already in place and not duplicate or layer further upon these programs.

V. TRANSPORTATION - SEA & ROADS

The discovery and subsequent production of large quantities of oil and gas in remote areas of the Arctic brought about the development of innovative logistical support systems,

insuring timely delivery of supplies and equipment under severe conditions without damage to the fragile environment.

A network of snow trails, offshore ice roads and ice landing strips combine to provide environmentally sound water transportation. Summer transportation may be accomplished utilizing barges and CATCO type low ground pressure vehicles.

Exploratory well pads made from ice have replaced the gravel pad further lessening the impact of exploration.

Equipment designed for the environmentally sensitive tundra has been developed and exhaustively tested in Alaska and Canada. The hovercraft and hoverbarges were designed to transport loads over water, sea ice and tundra without damaging the surface. For local tundra travel CATCO designed a top roller driven airbag tractor which traverses the delicate summer tundra without lasting effect. After many years of Arctic experience, industry has developed the equipment and more importantly an attitude of sensitivity in the work force so exploration and production can develop fields without environmental damage.

Transportation from coastal staging areas to particular well locations is easily done over the tundra by

all-terrain vehicles or by ice roads. Ice roads are constructed of ice and fresh water which allows conventional trucks to transport cargo over four to six inches of ice. This ice protects the tundra. Exhaustive tests have been done on the effects of ice roads on tundra degradation and compacting. The end results are no long term effect.

All-terrain vehicle design has evolved from tracked caterpillar type units, to low pressure tracked units, to rubber tired units and finally to low pressure soft pliant airbag units. The designing and utilization of the CATCO all-terrain vehicle has proven that operations over tundra in summer and winter operations can be completed with no degradation to the tundra. CATCO offers an innovative strategy in off-road heavy cargo transport. Designed to protect fragile ecosystems and get the job done, the CATCO is a lightweight vehicle that looks and handles like a truck but rolls on pliant, low-pressure airbags which allow the vehicle to "float" heavy loads over the ground. With this cushioning effect and a unique system of suspension and locomotion the CATCO can operate throughout the year on all types of terrain with a minimum of environmental disturbance. Most importantly is CATCO's experienced work force; when combined with the unique CATCO all-terrain equipment has an unsurpassed record of environmental safe operations in over 14 years of operation in the Alaskan Arctic.

The annual Sealift has developed equipment and techniques which allow the cost effectiveness of modular construction methods in developing production facilities. Since 1969 over thousands of tons of modules and general cargo have been delivered to Prudhoe, Kuparuk, Milne Point and Endicott fields. Development of ANWR would be considerably easier due to the perfected techniques of Prudhoe Bay.

VI. INTERNATIONAL COMMUNICATIONS

A Canadian government official, speaking at the ANWR hearing in Anchorage, contended that the oil and gas leasing issue should take into consideration the concerns of his country. The official reflected a sentiment that opening the coastal plain to leasing could damage the integrity of the Porcupine caribou herd, and thereby hurt the interests of Yukon Territory residents.

In addition, he said the U.S. Interior Department has not solicited input from Canadians regarding this "international issue."

In evaluating these comments, the following should be considered:

During the mid 1970s, the Canadian Arctic Gas Study Ltd., and its counterpart, the Alaskan Arctic Gas Study Company, engaged in a $200 million research project that examined the impact of development on caribou and other aspects of the arctic environment. The studies indicated that the impact of development could be minimized.

In addition, since the mid 1970s the state of Alaska and the United States Fish and Wildlife Service have discussed with Canadian officials mutual concerns about management of the Porcupine caribou herd. The discussions were motivated by pending settlement of lands issues, and proposed oil and gas leasing within the range of the herd.

Talks were suspended in 1980 pending resolution of domestic issues on both sides of the border. ANILCA resolved a major conservation issue for Alaska and the United States, and the Canadian government reached settlements with the Natives by 1985. These events set the stage for subsequent international negotiations. Now the two countries are nearing the point where an agreement can be written that will promote international coordination of management of the Porcupine caribou herd. The pending agreement will ensure the continued integrity of the herd.

Thank you for your consideration and attention.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 6 1987

Memorandum

To: Members, National Public Lands Advisory Council

From: Acting Assistant Secretary - Land and Minerals Management

Subject: Department Responses to Council Resolutions Adopted at the November 12-14 Meeting in Rolla, Missouri

We have reviewed the resolutions that the Council adopted at its November 12-14 meeting in Rolla, Missouri, and would like to report back to you on actions that we have taken on each of them. The Department's responses to the resolutions are attached for your review and consideration.

I am delighted that the Council is holding its next meeting in Alaska and am looking forward to joining you during your meeting and field tour to discuss the important public land issues that are unique to Alaska.

James E Cason

Enclosures (9)

ATTACHMENT E

NATIONAL WILDLIFE FEDERATION WITHDRAWAL LAWSUIT

Resolution

WHEREAS: The National Wildlife Federation (NWF) has filed suit against the Secretary of the Interior challenging the procedures the Bureau of Land Management (BLM) uses to modify or terminate public land withdrawals and classifications; and

WHEREAS: The lawsuit has led to a preliminary injunction freezing the status of certain public lands as of January 1, 1981, preventing the BLM from taking any action inconsistent with the status of those public lands on January 1, 1981; and

WHEREAS: Innocent third parties, including individual persons, corporations and State and local governments have had lawful activities relating to the public lands halted by the injunction without their participation in the suit, thus causing them considerable expense and unreasonable delay in undertaking their lawful activities; and

WHEREAS: Section 204(a) of the Federal Land Policy and Management Act of 1976 (FLPMA) gives the Secretary the authority to make, modify, extend, and revoke public land withdrawals; and

WHEREAS: Agency heads who manage Federal lands have determined that certain withdrawals no longer serve the purposes for which they were created and have asked the Secretary to revoke these withdrawals, such as military and National Forest withdrawals and withdrawals on lands transferred out of Federal ownership; and

WHEREAS: The Secretary of the Interior has authority under Section 202(d) of FLPMA to modify or terminate classifications of public lands; and

WHEREAS: The Secretary of the Interior has determined that classifications may be terminated consistent with the mandate of FLPMA, if such classifications had been created to serve a purpose rendered unnecessary or redundant by FLPMA, to carry out an action which is no longer authorized, or where necessary to rid the books of the classification in order to manage the lands under FLPMA's multiple use mandate; and

WHEREAS: Congress has recognized that the injunction is overly broad and has recently found it in the public interest to exclude certain transactions from the injunction on an ad hoc basis; and

WHEREAS: The existing lawsuit has been pending for sixteen months and the District Court has not yet ruled on the merits of the case.

THEREFORE, BE IT RESOLVED BY THE NATIONAL PUBLIC LANDS ADVISORY COUNCIL:
(1) That the Secretary of the Interior put forth his full resources to accomplish an early, judicial resolution of the NWF lawsuit, but be it further provided that if the court is unable to decide this matter in a reasonable and timely fashion, the Secretary of the Interior should then seek Congressional action to resolve all of the inequities created by the existing injunction.
(2) That the Secretary of the Interior provide copies of this Resolution to each Member of Congress whose district is affected by the injunction.

Response: The Council's unanimously adopted resolution about the National Wildlife Federation (NWF) lawsuit on withdrawals and classifications is timely and very significant. We share your concerns about the far-reaching impacts of the NWF's lawsuit and the preliminary injunction (PI) entered by the U.S. District Court for the District of Columbia, and concur on the need for timely resolution of this issue. To that end, we are continuing our efforts to expedite judicial resolution of the case by having our attorneys make informal contacts with the Court to encourage reasonable and timely disposition of this matter.

The NWF lawsuit challenges the Department's withdrawal and classification procedures governing lands in the public domain. Specific points are: (1) BLM actions failed to analyze withdrawal revocations in land use plans and Environmental Impact Statements (EIS's), (2) such actions were being conducted without regulations, and (3) there was a failure to provide for Congressional and Presidential review. We believe NWF's allegations are targeted at halting multiple-use activities on the Nation's public lands, specifically mining and oil and gas leasing.

On February 10, 1986, the District Court entered a PI which enjoined the Secretary from modifying or revoking withdrawals and from modifying or terminating classifications that were in effect on January 1, 1981. The PI also precludes the Secretary from taking any action inconsistent with the original terms of a particular withdrawal or classification which was in effect on January 1, 1981.

The lawsuit's greatest damage is to the untold number of third parties it has adversely affected. The resulting PI has halted more than 250 desert land entries, over 500 land sales and exchanges, nearly 1,000 oil and gas or recreation and public purpose lease actions, and further development on 7,300 mining claims.

We will continue to make the Congress aware of the inequities imposed by the PI. In the closing days of the 99th Congress, four statutes were enacted which directed the Secretary to complete seven land transactions that had been enjoined by the court. These included land exchanges in Arizona, California, Colorado, and Idaho, and a Recreation and Public Purposes grant in Arizona.

In July of 1986, the Federation filed a motion for summary judgment; three months later, the Government also filled a motion for summary judgment. The District Court has yet to rule on these motions, but we anticipate that a decision will be issued shortly. Meanwhile, oral argument on our appeal to the United States Court of Appeals for the District of Columbia Circuit on the District Court's preliminary injunction has been scheduled for April 27, 1987. Although this matter was filed in July of 1985 and remains unresolved, we will nonethless continue to pursue a timely judicial resolution, in addition to raising our concerns over the lack of judicial expediency with the appropriate Congressional committees.

We have provided copies of the Council's resolution to each member of Congress whose district may be affected by the PI.

LAND RECORDS AUTOMATION AND PRESERVATION

Resolution

WHEREAS: The Eastern States Office of the Bureau of Land Management has custody of about 5 million General Land Office title and survey records, which cover more than one and a half billion acres in the eastern United States and are a product of the Nation's westward expansion beyond the 13 colonies; and

WHEREAS: These documents are recorded in large "tract" books stored in a vast library at the Eastern States Office in Alexandria; and

WHEREAS: These records date from the late 1700's and, although historically significant, are still used on a daily basis to provide land title information; and

WHEREAS: Some of these documents have been destroyed or damaged over the past 200 years, so that the land records maintained in the Eastern States Office often constitute the only existing records; and

WHEREAS: A new method is needed to improve retrieval of information from these records while protecting the historical value of the original documents; and

WHEREAS: The National Public Lands Advisory Council applauds the initiative the Eastern States Office has taken to start this effort and the work that is being done which will involve the States in the East and tie into the Bureau's ongoing work with the Automated Land and Mineral Record System (ALMRS) and Geographic Information System (GIS).

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council supports the concept of automating and preserving the historic, but still heavily used, General Land Office records while insuring their compatibility to the extent possible with other Bureau of Land Management automation projects, such as ALMRS and GIS, and urges the Secretary of the Interior to support the Bureau of Land Management in this land records automation initiative.

Response: We fully support the Council's recommendation concerning the automation and preservation of the General Land Office (GLO) records. These records are extremely important from an historic and legal standpoint, as they document this Nation's westward movement and the patenting out of Federal lands, and are of continuing use today by title companies and others.

The records feasibility study by the Bureau of Land Management's Eastern States Office and a pilot records project underway in Arkansas will produce recommendations as to the proper steps needed to automate and preserve these records and will also tie into other Bureau systems, including ALMRS and GIS. We will strongly support these recommendations and keep the Council apprised of our progress.

TRANSFER OF EASTERN STATES UNSURVEYED ISLANDS AND SALE OF PUBLIC LAND

Resolution

WHEREAS: There are an estimated 2,500 unsurveyed islands located in 13 public domain states in the East that are isolated, small parcels of land; and

WHEREAS: These islands are uneconomical to manage due to the costs of survey, title clearance and disposal under existing laws and regulations; and

WHEREAS: These islands, because of their location, have public values and should remain in the public trust; and

WHEREAS: State governments have an interest in managing these islands for recreational, wildlife habitat and other purposes to benefit the general public; and

WHEREAS: There are also isolated tracts in these 13 public domain states that are claimed by parties who may have a history of habitation, improvement, or cultivation of these tracts; and

WHEREAS: Because of these improvements, chain of title, or payments of taxes, these parties may have a valid claim of ownership; and

WHEREAS: There is no statutory relief that recognizes equities in determining the final purchase price necessary for transferring these parcels to the claimants; and

WHEREAS: It would benefit the government to transfer islands to the various States and to recognize equity interest where title disputes occur.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council urges the Secretary of the Interior to support generic legislation that would expedite the transfer of unclaimed, unsurveyed islands to the States and the selling of public lands in the Eastern States Office area of responsibility.

Response: The Council's recommendation concerning the transfer of unsurveyed islands to the States for management of their public values and the sale of public land to parties with valid claims of ownership is fully supported. Such an authority would allow the Bureau of Land Management's Eastern States Office to accomplish its mission in a more efficient manner, and at the same time meet the needs of the various States. The Department will support such legislation if introduced in this session of Congress.

NATURAL ASSET TRUST FUND

Resolution

WHEREAS: Hundreds of millions of dollars are received by the Federal Government annually from royalties received from energy and mineral resources produced from Federal lands and lands sold by the Federal Government; and

WHEREAS: Such mineral and energy resources are non-renewable and land sold is a capital asset; and

WHEREAS: All such revenue is being used at Federal, State, and local government levels for current expenses; and

WHEREAS: Such revenue received will be forever ended when such resources are depleted.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recommends that policy and legislative initiatives be considered that would place at least a portion of the revenues received from non-renewable resources and sale of public lands into "Trust Funds" at the various levels of government so there will be revenues to meet current and capital needs in the future from the interest from such "Trust Funds" when the resources are depleted.

Response: The concept of placing at least a portion of the revenues received from non-renewable resources and sale of public lands into "Trust Funds" involves several Federal agencies. Accordingly, the BLM Director will bring the subject to the attention of the Secretary for consideration of possible policy and legislative initiatives by this Administration.

OIL AND GAS LEASING ON MILITARY INSTALLATIONS

Resolution

WHEREAS: The Federal Coal Leasing Amendments Act of 1976 amended the Mineral Leasing Act to allow oil and gas leasing on military installations; and

WHEREAS: The Bureau of Land Management (BLM) received thousands of lease applications on these military installations; and

WHEREAS: The BLM requested consent, leasing recommendations, and title information from the specific installations; and

WHEREAS: The military installation personnel are not familiar with the laws and regulations governing BLM's leasing process; and

WHEREAS: The military installation's commanding officers main concern is the installation's mission; and

WHEREAS: Large acreages of contiguous lands are therefore not being made available for oil and gas exploration; and

WHEREAS: The withholding of large undeveloped areas from exploration is a threat to the National security; and

WHEREAS: Expediting the processing of oil and gas lease applications on military installations is in the National interest.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council:

1. Supports BLM's efforts in visiting military installations and providing assistance to military personnel in selecting lands which can be made available for leasing; and

2. Recommends that the Secretary of the Interior continues to aid the Secretary of Defense in his efforts to make military installations available for oil and gas exploration.

Response: Military reservations offer a great, unexplored onshore oil and gas potential for the Nation. The Council's support for the Bureau's efforts to open more military lands for mineral leasing, and assisting military personnel in planning and carrying out such leasing programs, is appreciated. This support will aid the Bureau's efforts in achieving a consistent approach to mineral leasing opportunities on military installations.

The Bureau is establishing a systematic approach whereby BLM and military personnel work side by side through every facet of the leasing process, from receipt of application through necessary stipulations, and on to lease approval. This approach should make such leasing programs more acceptable to the military commanders and make them more familiar and comfortable with the leasing process.

NATIONAL ENERGY AND MINERAL POLICY

Resolution

WHEREAS: The domestic recoverable oil reserves have continued to decline since 1972; and

WHEREAS: Domestic oil production has declined over 800,000 barrels of oil per day (BOPD) over the past 8 months and will continue to decline; and

WHEREAS: Oil imports for the first time since 1973 are averaging over 5 million BOPD; and

WHEREAS: The U.S. continues to depend totally on foreign sources for 19 of the 27 critical and strategic minerals.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recommends that the Bureau review its Mineral Policy Statement to ensure that lands remain open for energy and mineral development; and

BE IT FURTHER RESOLVED: That the Secretary of the Interior assist the Secretary of Energy in every manner possible to develop a National Energy and Mineral Policy that will ensure the economic viability of the domestic industry and the National security of this Country.

Response: As part of our review of the Bureau's Supplemental Planning Guidance, we thoroughly examined our existing Mineral Resources Policy Statement. We have concluded that this policy statement, which was issued in 1984, does effectively ensure that mineral resource uses are fully considered in Bureau land use decisions. We recognize that public lands are an important source of the Nation's mineral and energy resources and are committed to making public lands available for orderly and efficient development of these resources under principles of balanced multiple-use management.

EASTERN STATES FEDERAL MINERAL INTEREST PROGRAM

Resolution

WHEREAS: There are broad and far reaching uses within the Bureau's minerals and lands programs for the identification and compilation of the Federal mineral ownership which underlies surface lands administered by numerous Federal, State and county entities, as well as private individuals; and

WHEREAS: The Federal and State revenues which accrue from the Nation's non-renewable resources are directly dependent upon the Bureau's ability to effectively manage and encourage the exploration of the mineral estate; and

WHEREAS: The compilation of Federal mineral data in a usable form is critical to the effective and efficient management of the Federal mineral estate; and

WHEREAS: The consequences of not properly managing the Federal mineral estate including revenues foregone and unauthorized uses undetected are of National significance.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recognizes the critical need for the development of an efficient, usable Federal mineral ownership map and data record system within the Bureau's Eastern States area; and

BE IT FURTHER RESOLVED: That the Bureau support the Eastern States Office in immediately establishing a system of identification and recordation of Federal mineral ownership; and

BE IT FURTHER RESOLVED: That in establishing this record, the Bureau recognizes the needs of the various Federal and State land managing agencies and encourages the cooperative collection, compilation and use of Federal mineral ownership data.

Response: We appreciate the Council's recognition that there is a critical need to develop a program for effectively and efficiently determining Federal mineral ownership under acquired lands in the Eastern States area. Efficient development of the Nation's mineral resources would be expedited through such a program. The lack of such data makes effective management of the mineral estate an impossibility and results in lost revenue to the Federal Government, as well as to State governments. The Department has encouraged the Bureau to initiate a systematic program to collect, record and share this data in cooperation with State and Federal agencies. The Bureau plans to initiate a pilot project in Louisiana to test both the cost and benefits of such a program to the Federal Government and the State of Louisiana.

RIPARIAN DEFINITION

Resolution

BE IT RESOLVED: That the National Public Lands Advisory Council reaffirms the definition for riparian areas that it recommended at its August 21-23 meeting in Montana and urges the Bureau of Land Management to adopt the definition:

> "A riparian area is an area of land that is directly influenced by permanent water. It has visual vegetative or physical characteristics reflective of permanent water influence. Lake shores, river, or stream banks are typical riparian areas."

BE IT FURTHER RESOLVED: That the above definition be included in the pending riparian area policy, which should be promptly implemented.

Response: The Riparian Area Management Policy was approved on January 22, 1987. The Council's recommended definition for a riparian area was incorporated in the policy, with a sentence added to clarify the meaning of riparian area. A copy of the policy is attached for your information.

Bureau of Land Management
Riparian Area Management Policy

BACKGROUND

Riparian areas are unique and among the most productive and important ecosystems, comprising approximately 1 percent of the public lands. Characteristically, riparian areas display a greater diversity of plant, fish, wildlife, and other animal species and vegetation structure than adjoining ecosystems. Healthy riparian systems filter and purify water as it moves through the riparian zone, reduce sediment loads and enhance soil stability, provide micro-climate moderation when contrasted to extremes in adjacent areas, and contribute to groundwater recharge and base flow.

DEFINITIONS

Riparian Area - an area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lake shores and stream banks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence or vegetation dependent upon free water in the soil.

Riparian Area-Dependent Resources - resources such as water, vegetation, fish, and certain wildlife that owe their existence to the riparian area.

OBJECTIVE

The objective of riparian area management is to maintain, restore, or improve riparian values to achieve a healthy and productive ecological condition for maximum long-term benefits.

POLICY STATEMENTS

In order to meet the foregoing objective, the Bureau will to the extent practical:

- Achieve riparian area improvement and maintenance objectives through the management of existing uses wherever feasible.
- Ensure that new resource management plans and activity plans, and existing plans when revised, recognize the importance of riparian values, and initiate management to maintain, restore, or improve them.
- Prescribe management for riparian values that is based upon site-specific characteristics and settings.
- Give special attention to monitoring and evaluating management activities in riparian areas and revise management practices where site-specific objectives are not being met.
- Cooperate with and encourage the involvement of interested Federal, State, and local governments and private parties to share information, implement management, coordinate activities, and provide education on the value, productivity, and management of riparian areas.
- Retain riparian areas in public ownership unless disposal would be in the public interest, as determined in the land use planning system.
- Identify, encourage, and support research and studies needed to ensure that riparian area management objectives can be properly defined and met.

Robert J Burford
Director, Bureau of Land Management

JAN 22 1987
Date

IMPACTS OF MINERAL ACTIVITIES ON MULTIPLE USE

Resolution

WHEREAS: New and innovative mining methods have been developed and are being used, especially in the recovery of microscopic gold; and

WHEREAS: These methods result in the disturbance of significant amounts of land; and

WHEREAS: Other multiple uses of the land (i.e., wildlife habitat, recreation, livestock grazing, wild horse and burro use) could be adversely affected by the action of the mining activities.

THEREFORE, BE IT RESOLVED: That in the preparation of land use plans, full consideration be given to mitigating the impacts of mineral activities on other affected multiple uses.

Response: The Bureau is sensitive to the potential impacts of various mining methods on other resource values and uses. We recently issued Supplemental Program Guidance for Energy and Mineral Resources (BLM Manual Section 1624) which describes energy and minerals determinations required in resource management plans, as well as factors usually considered in arriving at those determinations. For areas open to the operation of the mining laws, the guidance indicates that the resource management plan is to identify terms, conditions, or other special considerations, if any, that may constrain mining activities. Such constraints may apply to general types of operations conducted under the mining laws, including those associated with new or innovative mining methods of concern to the Council. Project or site-specific constraints are generally identified during site-specific planning.

In Nevada, the Bureau is currently working with the Nevada Farm Bureau, Nevada Mining Association, Nevada Cattlemen's Association and others to develop a mutual understanding of proposed mining activity impacts, necessary mitigation measures, and appeal procedures. This Bureau coordination among interest groups should help to avoid or at least minimize conflicts between mining and other activities on public lands.

BUREAU OF LAND MANAGEMENT
CALIFORNIA STATE OFFICE
CENTRAL LIBRARY COPY

1784
NaLm
WuWE
1987

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 9 1987

Memorandum

To: Members, National Public Lands Advisory Council

From: Assistant Secretary - Land and Minerals Management

Subject: Department Responses to Council Resolutions Adopted at June 19 Meeting in Anchorage, Alaska

Enclosed for your review and consideration are the Department's responses to the ten resolutions the Council adopted during its June 19 meeting in Anchorage. Your continued advice to us on such public land matters is greatly valued by Bureau of Land Management officials and the Department of the Interior.

We look forward to discussing the Council resolutions and Department's responses further with you at your upcoming meeting in Denver.

Enclosures (10)

ARCTIC NATIONAL WILDLIFE REFUGE (ANWR)

Resolution

WHEREAS: The congressionally mandated "1002 Study" of the Arctic National Wildlife Refuge (ANWR), which culminates five years of biological baseline studies, surface geological studies, and two seasons of seismic exploration surveys, has been completed and duly submitted to Congress; and

WHEREAS: Energy production in the Prudhoe Bay region has demonstrated the compatibility of environmentally sensible energy development and the maintenance of desired caribou and other wildlife numbers; and

WHEREAS: Current economic assessments do not include the value of natural gas issues, which could be substantial; and

WHEREAS: It is in the highest interest of the Nation's energy security that immediate exploration of ANWR be permitted and that such security would be greatly advanced if predicted ANWR energy potentials were actually realized; and

WHEREAS: The National Public Lands Advisory Council has seen firsthand the pipeline corridor and oil field development at Prudhoe Bay and the compatibility of this development with the environment; and

WHEREAS: The study identified the area as the Nation's most promising onshore oil and gas exploration area, possibly surpassing the Prudhoe Bay and East Texas oil fields; and

WHEREAS: The oil industry is ready, willing, and able to make the investments in producing those resources, and completion could take 10-15 years; and

WHEREAS: Probable adverse effects on wildlife from oil production are minimal; and

WHEREAS: The 1002 area could contribute significantly to the National need for petroleum by providing substantial increases in U.S. production and reduction of imports by the year 2005; and

WHEREAS: The Council has viewed all the lands in question in the 1002 area.

THEREFORE, BE IT RESOLVED: That appropriate congressional leaders review, with the public and private scientific communities, and through on-site visits, the energy potential of ANWR and the environmental consequences of energy development in the northern region of Alaska; and

BE IT FURTHER RESOLVED: That the National Public Lands Advisory Council expresses its strongest possible support for the Secretary's recommendation that Congress enact legislation during its 100th session directing him to conduct an orderly oil and gas leasing program for the 1002 area at a pace and in such a fashion as he determines necessary to avoid unnecessary adverse effects on the environment.

Response: We welcome the Council's endorsement of an orderly and closely-monitored oil and gas leasing program in the Arctic National Wildlife Refuge (ANWR). It is clear that the Council has studied this issue carefully. We believe the thoughtful and balanced concerns outlined in the Council's resolution accurately summarize the logic of proceeding with a leasing program in the ANWR area and hope the Congress will recognize and be persuaded by the long-term value of such an undertaking.

ARCTIC NATIONAL WILDLIFE REFUGE "CORE CALVING" AREA

Resolution

WHEREAS: The National Public Lands Advisory Council has been advised by experts on caribou behavior that various management practices are available to both enhance the management of the Porcupine caribou herd and mitigate the impact of oil and gas development in the Artic National Wildlife Refuge (ANWR) upon that herd; and

WHEREAS: U.S. Fish and Wildlife Service data shows that caribou calving varies among locations from year to year and cannot be predicted with a high degree of confidence; and

WHEREAS: Management practices around the world with reindeer (also a subspecies of Rangifer terandus) intentionally call for moving calving areas as a sound range management practice.

THEREFORE, BE IT RESOLVED: That the National Public Land Advisory Council supports the Secretary of the Interior's position that any impact of oil and gas development in ANWR will be minimal on the Porcupine caribou herd.

Response: We appreciate the Council's support for Secretary Hodel's position that oil and gas development in the Arctic National Wildlife Refuge will have minimal impacts on the Porcupine caribou herd. The Department will continue to collect information on how and when the caribou herd uses habitat and will also explore management techniques available for reindeer to determine how such techniques might be used for caribou.

TRANS-ALASKA GAS SYSTEM (TAGS)

Resolution

WHEREAS: The Yukon Pacific Corporation has filed amended applications with the Bureau of Land Management (BLM) and U.S. Army Corps of Engineers (USACE) to construct and operate the Trans-Alaska Gas System (TAGS) in the State of Alaska; and

WHEREAS: The proposed TAGS will comprise: (1) a 796.5-mile buried, chilled, 36-inch intrastate natural gas pipeline designed to transport 2.3 billion cubic feet of gas per day from the North Slope of Alaska to a tidewater site at Anderson Bay near Valdez, Alaska; (2) 10 compressor stations; (3) a liquified natural gas (LNG) plant for condensing it to a liquid state for storage and shipping; (4) a marine terminal to simultaneously berth and load two LNG tankers plus support vessels; and (5) LNG tankers for export to Asian markets; and

WHEREAS: The entire proposed TAGS route and related facilities closely parallel existing oil pipeline and related facilities of the Trans-Alaska Pipeline System from Prudhoe Bay to tidewater; and

WHEREAS: The BLM and USACE are acting as co-lead agencies in the preparation of an environmental impact statement (EIS) that will evaluate the environmental and social effects of the proposed TAGS project; and

WHEREAS: Public and agency input to the EIS scoping process in December 1986 raised no substantial adverse environmental, social or economic issues in Alaska with the proposed TAGS project; and

WHEREAS: The BLM/USACE EIS will evaluate the national environmental effects of the proposed TAGS project exporting Alaska North Slope natural gas through input from the Economic Regulatory Administration; and

WHEREAS: The proposed TAGS project has substantial opportunity to improve the National balance of trade with Asian countries; and

WHEREAS: The BLM has initiated a review of the conceptual engineering and proposed locations of the proposed TAGS project and has determined that there are no likely threats to the integrity of the existing Trans-Alaska Pipeline System or the Alaska National Gas Transporation System as authorized; and

WHEREAS: The BLM has initiated consultation with agencies of the State of Alaska, Office of the Federal Inspector, Economic Regulatory Administration, Fish and Wildlife Service and other concerned Federal agencies, Northwest Alaskan Pipeline Company, Alyeska Pipeline Service Company and Yukon Pacific Corporation to review the Federal grants for the Trans-Alaska Pipeline System and the Alaska National Gas Transporation System to determine which provisions of those existing grants apply to the proposed TAGS project; and

WHEREAS: The National Public Lands Advisory Council has viewed firsthand portions of the northern TAGS routing associated with the Utility Corridor Resource Management Plan.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council urges BLM to (1) continue expeditious processing of the EIS for the proposed TAGS project; (2) proceed with preparatory work necessary to complete the Federal grant of right-of-way; and (3) support an affirmative presidential finding that approves exports of Alaska North Slope natural gas as being in the national interest.

Response: The Draft Environmental Impact Statement (DEIS) for the proposed Yukon-Pacific Corporation Trans-Alaska Gas System (TAGS) was issued by the Bureau of Land Management and the U.S. Army Corps of Engineers on September 11. The preferred alternative in the draft statement calls for authorization of the project and related facilities on a route that generally follows the existing Trans-Alaska Pipeline System. Other alternatives include a "no action" proposal, as well as an alternative route to Cook Inlet. Hearings on the DEIS are scheduled throughout Alaska during the last week in October.

As we work with the Corps of Engineers to develop the Final EIS, we will continue to prepare for potential issuance of the Federal grant of right-of-way for the proposed pipeline. We will also be working with various other Federal agencies to gather the information needed for a recommendation on North Slope natural gas exportation. Barring discovery of data to the contrary, we will support an affirmative presidential finding that approves such exportation from the North Slope.

ALASKA LAND CONVEYANCES

Resolution

WHEREAS: Under several acts of Congress, the United States Government has been directed to transfer Federal lands to the State of Alaska, Alaska natives and individuals, and it will take an estimated 40 to 45 years at current funding levels to complete these congressionally-directed transfers; and

WHEREAS: Congress has granted to the State of Alaska and the Alaska Native people, land entitlements of 104.5 and 44 million acres, respectively; and

WHEREAS: The Bureau of Land Management (BLM) is charged with transferring the above lands to the State of Alaska and Alaska Native people; and

WHEREAS: The remaining entitlements of approximately 20 million acres for the State of Alaska, 9 million acres in Native land selections, and 10,000 Native allotment parcels will receive significant effort to assure protection of National, State, and Native interests; and

WHEREAS: BLM has land conveyance personnel trained and doing the jobs currently; and

WHEREAS: Threatened budget reductions would mean loss of trained staff and reduction of efficiency.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council, considering these land conveyance delays to be unconscionable, recommends that budget allocations to BLM-Alaska for survey and land conveyance be continued at optimum levels to meet the National interest and commitment to the people of Alaska.

Response: The Bureau of Land Management will continue to treat land conveyances to the State of Alaska, Alaska Native Corporations and individuals as one of its highest priorities. We will also continue to fund the Alaska conveyance and cadastral survey programs at optimal levels.

PLACER MINING OPERATIONS

Resolution

WHEREAS: The Bureau of Land Management (BLM) is one of the major Federal land management agencies in Alaska; and

WHEREAS: The typical mining operation on Federal or State land requires at least four authorizations/acknowledgements, and often five or six; and

WHEREAS: These authorizations/acknowledgements include the State Department of Natural Resources (water permit, and possibly a land use permit to cross State lands), Department of Revenue (mining license), Department of Fish and Game (activities impacting anadromous streams, or passage of fish), Department of Environmental Conservation (ratification of the National Pollutant Discharge Elimination System (NPDES) permits), the Federal land management agencies (BLM, Fish and Wildlife Service, Forest Service, National Park Service), Environmental Protection Agency (NPDES) permits) and the Corps of Engineers (404 permits); and

WHEREAS: The land management objectives associated with the resource values on either State or Federal lands encompassed by mineral development often are similar if not identical; and

WHEREAS: It appears that considerable duplication of effort exists during the various reviews within both the Federal and State sector; and

WHEREAS: The resources available to all agencies to undetake such reviews are becoming more and more limited; and

WHEREAS: Most mining operations in Alaska are very small, individually-owned businesses; and

WHEREAS: Complex permitting processes are difficult to understand and expensive to undertake for small businesses; and

WHEREAS: Existing water quality requirements are greatly restricting the opportunity to develop mining operations and legislative action is needed which will ensure environmental protection without the current restrictions imposed on the mining industry.

THEREFORE, BE IT RESOLVED: That the BLM, working in concert with the State and other Federal agencies and affected publics, investigate the opportunities to reduce the number of existing authorizations/acknowledgements, formulate a list of interagency stipulations that could apply to the majority of placer operations, reduce the overall costs of compliance examinations, and reduce the private sector's permitting costs.

Response: The placer mining industry is both economically and historically important to the State of Alaska and deserves attention as one of the multiple resources under BLM's management.

During the past two months, the concept of permit streamlining has been discussed at a number of public meetings involving representatives of the placer mining industry. The response from the mining community and the general public has been positive and highly supportive. We have also had initial discussions with EPA, the Corps of Engineers, the State of Alaska, and other government organizations about streamlining and found a willingness to review current procedures and try to move toward improved delivery of service. Another opportunity may exist for State and Federal management action under current regulatory provisions [43 CFR 3809-1(c)] for surface management.

BLM is presently involved in developing a number of major environmental impact statements that encompass four different areas of Alaska. The EIS process, wiht public input, should result in an improved understanding of placer mining concerns in the State. One possible product from these efforts may be the development of uniform guidelines for placer mining operations.

SURFACE RECLAMATION

Resolution

WHEREAS: Mineral exploration and development activities frequently span several years; and

WHEREAS: Current Bureau of Land Management (BLM) practice requires full reclamation of exploration sites annually in the case of small sites not required to submit plans of operations; and

WHEREAS: Current requirements often lead to reclaimed areas being redisturbed during subsequent years; and

WHEREAS: The current practice results in substantially increasing exploration and mining costs; and

WHEREAS: Sound mined land reclamation practices suggest minimal handling of materials saved for reclamation.

THEREFORE, BE IT RESOLVED: That the BLM reexamine its current regulations and policies and require reclamation of lands only at the conclusion of all surface disturbance.

Response: For both mineral material operations and locatable mineral operations, we believe that reclamation should take place concurrently.

The life of a mineral material operation often requires reclamation and stabilization of portions of a pit before the deposit is completely exhausted. To leave a pit open and unreclaimed for an extended period can result in 1) excessive erosion and loss of valuable topsoil, 2) increased risk to health and safety, 3) increased likelihood of unauthorized dumping and, 4) visual impairment.

It is not current policy for the Bureau of Land Management to require premature, annual or unreasonable reclamation of mineral material sites. In many cases, reclamation of portions of mineral material pits is concurrent with removal of material elsewhere in the pit. When properly planned and implemented, reclamation in this manner does not result in increased handling of overburden, and in most cases when the mineral materials are exhausted, there is no other reason to disturb the site in the future.

Those operations that involve locatable minerals should generally practice concurrent reclamation, if they choose not to exceed the 5-acre threshold which requires the operator to obtain an approved plan of operations. In those areas where operations are only possible on a seasonal basis, the cost of remaining below the 5-acre threshold is concurrent reclamation, or a period of effort at the end of the season to finish reclaiming the surface disturbed during that season. For the same reasons discussed under mineral material, the current requirement is the most practicable one.

COAL UNSUITABILITY CRITERIA

Resolution

WHEREAS: The Bureau of Land Management (BLM) is a Federal land management agency possessing a multiple use orientation; and

WHEREAS: Such multiple use on BLM lands is a mainstay of rural western economies; and

WHEREAS: The stability of rural western economies is also dependent upon the BLM maintaining this strong multiple use orientation; and

WHEREAS: The BLM is well suited and properly empowered to protect natural scenic, cultural, and historical values on its lands while continuing to manage multiple use activities and provide economic opportunity to the citizens of the United States.

THEREFORE, BE IT RESOLVED: That proposed regulations that would require "joint determination" prior to coal leasing between BLM and other surface management agencies are an unacceptable cession of BLM authority to manage its lands for conventional multiple use and economic production; and

BE IT FURTHER RESOLVED: That no other Federal surface management agency shall have equal or essentially concurrent authority with the BLM in determining that the BLM's lands are acceptable for further consideration for Federal coal leasing; and

BE IT FURTHER RESOLVED: That only the existence of those species and habitats actually designated as threatened or endangered shall constitute sufficient grounds for designation of a given coal tract as "unsuitable;" and

BE IT FURTHER RESOLVED: That it is in the best interest of the United States of America, for both strategic and economic reasons, that its BLM-administered lands remain accessible to conventional multiple uses and not be unduly restricted due to adjacent single-purpose use lands.

Response: We appreciate learning about the Council's concerns regarding certain proposed revisions to the Bureau of Land Management's Federal coal leasing program. The first revision would require BLM to jointly determine with other Federal surface management agencies the acceptability of leasing Bureau lands for coal development when such leasing might affect another agency's lands. The second revision would expand the unsuitability criterion dealing with threatened and endangered (T/E) plant and animal species and their designated critical habitats to include proposed T/E species and their proposed critical habitats. We would like to clarify both the intent and effect of these proposed regulatory provisions.

The "joint determination" provision would implement one of twelve decisions made by Secretary Hodel in February 1986, concerning the issue of whether or not the Bureau should adopt any new unsuitability criteria. Although several Interior agencies and environmental groups outside the Department pressed for additional criteria, Secretary Hodel decided that there would be no new unsuitability criteria. He instead directed the Bureau to strengthen consultation with other surface management agencies through the joint determination mechanism proposed by the regulations. This determination was intended to help protect important resources during the land-use planning and coal leasing processes. No information has been presented to show that this proposal would reduce the amount of coal available for lease or diminish the Bureau's ability to manage lands for multiple uses. If the provision is implemented, it will be monitored to insure that neither Federal coal leasing nor the multiple use responsibilities of the Bureau are unnecessarily constrained.

The expansion of the unsuitability criterion concerning threatened and endangered species was a recommendation of a multi-agency task force directed to study the Bureau's application of the unsuitability criteria. Secretary Hodel concurred with the recommendation. The proposal would most likely have little practical effect on the amount of Federal coal land available for leasing or on the Bureau's management of public lands because lands containing proposed T/E species would not be considered unsuitable if impacts to the species could be mitigated. Examples of relevant mitigating measures might be prohibiting mining during breeding season or moving an active nest to another location where the species would use it. The proposal is intended to strengthen the Department's commitment to its responsibilities under the Endangered Species Act.

RANGE IMPROVEMENT (8100) POLICY

Resolution

WHEREAS: The Federal Land Policy and Management Act of 1976 (FLPMA) provides that Range Improvement (8100) funds be used for "on-the-ground" range rehabilitation, protection, and improvements; and

WHEREAS: The legislative history of FLPMA clearly indicates that these funds should not be used for administrative costs, planning overhead, salaries, rent, etc.; and

WHEREAS: Carry-over of Range Improvement (8100) funds has been larger than anticipated due to various reasons; and

WHEREAS: The Bureau of Land Management (BLM) is considering allocating these funds for additional use beyond the 1982 policy guidelines; and

WHEREAS: The BLM in 1987 directed that the first priority for Grazing Management (4322) project money would be to support the 8100 program. Additionally $300,000 of the funds set up by Congress for general administrative expense to support the 8100 program were distributed to those states with the largest carry-over to assist them in reducing the carry-over.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recommends that the Bureau of Land Management not initiate any changes in the use of Range Improvement (8100) funds until the effects of the actions taken this year have been evaluated.

Response: We concur with the Council in its recommendation. In 1987, field offices were directed, as a first priority, to use that portion of the Range Administration (4322) Fund designated for range improvement to support the 8100 program. Additionally, on a onetime basis, a portion of the Fiscal Year 1987 8100 funds identified by Congress for general administrative expense were distributed to those States with the greatest 8100 carry-over. The effect of those two actions in reducing the 8100 carry-over will be evaluated at the end of the fiscal year. If unreasonably high carry-overs still appear, alternative measures will be considered. No change will be made in the existing 8100 policy until other measures are tried and fully evaluated.

RANGE MONITORING PROGRAMS

Resolution

BE IT RESOLVED: That the National Public Lands Advisory Council reaffirms the range monitoring resolutions adopted at the Council's April 30, 1983 meeting in Grand Junction, Colorado, and the meetings of November 9, 1983 in Washington, D.C. and May 16, 1986 in Gillette, Wyoming; and,

BE IT FURTHER RESOLVED: That in the process of monitoring, the Bureau of Land Management (BLM) evaluate all multiple use objectives; and

BE IT FURTHER RESOLVED: That the BLM conduct monitoring in consultation, cooperation, and coordination with all interested parties.

3 Attachments: (1) April 30, 1983 Resolution
(2) November 9, 1983 Resolution
(3) May 16, 1986 Resolution

IN REPLY REFER TO

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

April 30, 1983

ALLOTMENT LEVEL MONITORING PLANS

Resolution of the National Public Lands Advisory Council

Whereas: Knowledge of grazing use patterns on an allotment is important in determining management strategies for improving livestock distribution and assisting in the evaluation of utilization of important forage plants; and,

Whereas: This knowledge will contribute to a more realistic selection of key areas for permanent range study location; and

Whereas: The need for accurately located long-term study sites is essential to the success of long-term monitoring results.

Therefore Be It Resolved: The Bureau of Land Management should develop allotment level monitoring plans in coordination with livestock permittees/lessees, the district grazing advisory boards, the Land Grant Universities and other involved parties. Monitoring should be designed to measure progress toward accomplishing objectives established at the allotment level through the Section 8 process. The allotment level monitoring plan should include short- and long-term phases. The short-term phase should include, but not be limited to, a utilization map developed by the permittee/lessee and the Area Manager and made a part of the permanent allotment record. The long-term phase would include, but not be limited to, appropriate permanent transects and photographic records.

ATTACHMENT 1

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

November 9, 1983

FUNDING FOR MONITORING RANGE MANAGEMENT PROGRAMS

Resolution of the National Public Lands Advisory Council

Whereas: Monitoring of range management programs will become increasingly important in the management of public lands, and

Whereas: Monitoring, to be effective and meaningful, must be adequately funded,

Therefore, Be It Resolved: That a high funding priority be given to practical and continuing monitoring by the Department of the Interior to insure progress in this phase of management.

ATTACHMENT 2

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

May 16, 1986

BLM MONITORING PROGRAM

Resolution of the National Public Lands Advisory Council

WHEREAS: The Natural Resources Defense Council and the Bureau of Land Management during the Carter Administration had attempted to improve the condition of the public rangelands through livestock reductions based on one-point-in-time forage inventories; and

WHEREAS: The livestock industry, the range science and academic communities, and others, urged the replacement of livestock adjustments based on the unreliable one-point-in-time inventories with actual use data coupled with vegetation monitoring over time; and

WHEREAS: Under the Reagan Administration, the recommendations of the range science community, livestock industry, et. al., were implemented by BLM and the use of monitoring data as the primary basis for range management decisions became established policy; and

WHEREAS: Grazing decisions under the current process have been fair and timely and based on sufficient information to promote cooperation between BLM and permittees in improving the rangelands while minimizing the economic impacts on livestock operators; and

WHEREAS: The BLM has not uniformly or aggressively initiated the range monitoring program bureau-wide on a scale sufficient to support all upcoming grazing decisions; and

WHEREAS: The Natural Resources Defense Council and the U.S. District Court in Reno, Nevada, have served notice that BLM shall produce grazing decisions based on a sound monitoring program or the Court will reconsider its support for decisions based on monitoring data.

NOW, THEREFORE, BE IT RESOLVED: That the Bureau of Land Management designate the range monitoring program as the Bureau's highest funding priority of the range program, and insure that sufficient monitoring data is available to support every decision affecting livestock stocking rates and other grazing management decisions; and

BE IT FURTHER RESOLVED: That sufficient long-term monitoring programs be initiated and maintained so as to provide range condition and trend statistics which accurately depict the trend of public land range condition from the 1984 baseline; and

BE IT FURTHER RESOLVED: That BLM utilize contracted range technicians to conduct the monitoring program when insufficient permanent staff are available; and

BE IT FURTHER RESOLVED: That copies of this resolution be forwarded to the:

Senate Committee on Energy and Natural Resources
Senate Appropriations Subcommittee on Interior and Related Agencies
House Committee on Interior and Insular Affairs
House Appropriations Subcommittee on Interior and Related Agencies

ATTACHMENT 3

RANGE MONITORING PROGRAMS

Response: We appreciate the Council's continued support for a strong rangeland monitoring program based on clearly-defined, achievable objectives.

In early 1986, the Bureau of Land Management conducted a field evaluation of its monitoring program to determine if the program was providing sufficient information to support sound management decisions. The conclusion from this evaluation was that the program was not meeting its objectives in all areas.

Following this review, the Bureau's Division of Rangeland Resources sponsored a national monitoring workshop in January 1987, for representatives from the range science profession, range academia, the livestock industry, the conservation community, and your advisory council. Based on recommendations developed by workshop participants, BLM revised its monitoring standards and instructed its State Offices to prepare and implement minimum monitoring standards applicable to conditions in their States.

In order to ensure a viable monitoring program in FY 1987, the Bureau redirected $1.5 million from other agency programs to rangeland monitoring. Funding for FY 1988 will also be at a level that is sufficient to support field monitoring activities.

Another action taken by the Department was to require that each BLM State Director submit to the Assistant Secretary for Land and Minerals Management, a quarterly report on monitoring progress relative to pending grazing decisions. The Bureau is also holding monitoring workshops at the State and District level for ranchers, conservationists, wildlife representatives, and other interested parties to gain their input in developing high standards for monitoring and insuring that the program will be carried out in the most cost-effective manner.

THIRD SCOUT BATTALION, ALASKA NATIONAL GUARD

Resolution

WHEREAS: The vastness of Alaska presents a difficult challenge to military units charged with defending the Nation against invasion from the West; and

WHEREAS: Quick response in remote areas of Alaska's difficult and unique geography is essential to an effective defense; and

WHEREAS: The Alaska National Guard's Third Scout Battalion is uniquely qualified to fill such a mission; and

WHEREAS: The temporary use of lands in Alaska under administration of Department of the Interior agencies is necessary for effective training exercises.

THEREFORE, BE IT RESOLVED: That the Alaska National Guard be commended for its dedication to its mission as America's first line of defense in its westernmost outposts; and

BE IT FURTHER RESOLVED: That the National Public Lands Advisory Council urges the Secretary of the Interior to encourage the agencies of his Department to cooperate to the limit of their authorities with the Native Scouts, and other units of the Alaska National Guard and the military, by providing temporary access to operating areas. Allowing such access for training purposes will help to enhance the military's effectiveness.

Response: We join the Council in commending the Alaska National Guard for the vital role that it plays in the defense of the Nation.

The Bureau of Land Management will continue to cooperate, to the limit of its authority, with the Alaska National Guard and the military to facilitate use of public lands for training activities. Currently, the Bureau is limited to authorizing such uses through withdrawals, rights-of-way, and cooperative agreements.

The Department has previously supported, and will continue to support, legislative efforts to amend the Federal Land Policy and Management Act (Public Law 94-579) to allow issuance of permits to the National Guard and other branches of the military for temporary use of the public lands for training purposes.

BLM Library
Bldg. 50
Denver Federal Center
P.O. Box 25047
Denver, Colorado 80225